

Open Meetings Compliance Board Complaint Procedures

Filing a Complaint

If you believe that a public body has violated the Act, you may file a complaint with the Open Meetings Compliance Board.

The Board encourages members of the public who have questions about a public body's compliance with the Act to pose their questions first to a member of the public body or its staff or counsel.

1. How to file a Complaint

- Send a complaint letter by mail or e-mail to the Open Meetings Compliance Board at this address: Open Meetings Compliance Board, c/o Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202, or OpenGov@oag.state.md.us. You must sign your complaint and include a return address. The Board accepts scanned signatures.
- Tell the Board what public body is involved, what happened, what the date was, and how you believe the public body violated the Act. You may include more than one meeting or issue in a single complaint. You may find it helpful, before you file a complaint, to look over the Open Meetings Act Manual or take the online course posted at http://www.igsr.umd.edu/VLC/OMA/class_oma_introl.php.
- Please be as detailed as you can. Usually, the Board issues an opinion based solely on the information in the complaint and in the response from the public body. The more information the Board has, the more focused its opinion can be.
- Please identify any document that the public body might possess that you feel would assist the Board in the review, and, if it has been posted online, tell us where to find it.
- If you refer to live audio or video minutes, please specify the times of any segments relevant to your complaint.
- Please focus your complaint on violations of the Act. The Board only has jurisdiction over complaints about possible violations of the Open Meetings Act by public bodies. For example, the Board cannot address complaints that a public body wrongfully denied a Public Information Act request, that a private homeowner's association met secretly, or that a public body made the wrong decision on a matter before it.

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- The Board will transmit your complaint to the public body for its response if it appears to raise issues within the Board’s authority. If your complaint does not raise issues for the Board, it will be returned to you with a brief explanation of why it has been dismissed. If your complaint does not provide enough information for staff to process it or the Board to consider it, you will be asked for additional information. If you do not provide the information within 30 days, the Board will dismiss the complaint.
- If you wish to receive a receipt for a complaint, please include a self-addressed, stamped envelope with a hard copy or, for an e-mailed complaint, use the receipt verification function or add a cc to your own address. Please avoid calling the OpenGov number for that purpose.
- If, after reading the public body’s response, you believe it to be factually inaccurate, you may file a short reply with the Board, with a copy to the public body. Replies must be submitted within one week of the response and should not repeat the complaint. After the public body answers, (if it chooses to), the file will be closed to further submissions.
- You may withdraw a complaint. If the public body has already responded, the Board may decide to issue an opinion anyway.

2. How to Respond to a Complaint

- The public body must respond within 30 days of its receipt of the complaint from the Compliance Board.
- The response should address the issues in the complaint and any other issues raised by the Board. It should be signed by the presiding officer, or an attorney or staff member authorized to speak for the public body. If the public body denies that the Act was violated, explain how the public body complied. If the public body acknowledges that the Act was violated, explain how the public body has or will change its procedures so as to comply and attach any documentation evidencing the change in practice.
- If documents (such as meeting notices, minutes, closed-session statements, or closed-session minutes) are relevant to your response, please provide them with your response. Each set of closed-session minutes should be clearly labeled “Confidential – Sealed Minutes.” The Board and Board staff will keep them confidential, and the Board’s opinion will only refer to them generically.

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- Responses must be mailed to the Open Meetings Compliance Board, c/o Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202, or e-mailed to opengov@oag.state.md.us. An e-mailed response need not be followed by a hard copy.
- Please send a copy of the response and supporting documents to the complainant. You may omit any closed-session minutes you sent to the Board.
- The Board will sometimes ask the public body to supplement its response. Occasionally, the Board asks all interested persons to attend an informal conference, so it can get more information before issuing an opinion.
- If the complainant files a reply to your response, your public body may, but need not, address the matters raised. Your submission should be transmitted to the Board and the complainant within one week of the complainant's reply. After that, the file will be closed unless the Board asks you for more information.

3. The Compliance Board's Opinion

- The Board issues a written opinion within approximately 30 days of its receipt of the public body's response, if the complaint and response have provided the Compliance Board with enough information.
- An opinion of the Board is strictly advisory. In it, the Board will state its opinion on whether the Open Meetings Act was violated and explain its reasoning. Often, when the Board has explained the law in an earlier opinion, it will refer the reader to that opinion by volume and page number so that the reader may locate it at <http://www.oag.state.md.us/Opengov/Openmeetings/board.htm>
- The Board has no authority to issue orders or impose penalties.
- Board opinions are sent to the public body and complainant and then posted on the Web. You can access any opinion via the following address:
<http://www.oag.state.md.us/Opengov/Openmeetings/board.htm>

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