



## GEORGIA DEPARTMENT OF LAW

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October 10, 2018

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*Via Facsimile to: (912) 739-3082*

Mr. Ronald W. Hallman, Esquire  
P.O. Box 980  
Claxton, Georgia 30417-0980

RE: Open Meetings Act Complaint from Jessica Szilagyi regarding the Evans County Board of Education

Dear Mr. Hallman:

I am writing to you in your capacity as the attorney for the Evans County Board of Education. Our office received a complaint from Ms. Jessica Szilagyi alleging that during its public meetings, the Board of Education regularly votes to approve "personnel recommendations" made by the Superintendent without disclosing (at the time the motion is made) what those recommendations are. Ms. Szilagyi alleged that neither the motion nor the meeting agenda describes for the public exactly what is being voted on.

I understand from your response to my inquiry that Ms. Szilagyi is correct that the meeting agendas do not generally contain a detailed list of the personnel recommendations that will be voted on, and that the process of voting on the recommendations during the meeting does not inform the public (at the time of the vote) exactly what decisions are being made. A list of the recommendations voted on is only made available to the public after the meeting.

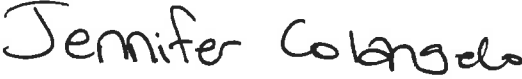
Violations of the Open Meetings and Open Records Acts are subject to both civil and criminal prosecution. O.C.G.A. §§50-14-6 and 50-18-74. The penalty for each person or entity who violates these laws may be up to \$1,000 for the first violation and up to \$2,500 for each additional violation within a twelve month period. O.C.G.A. §§ 50-14-6 and 50-18-74. If we were to proceed to litigation or prosecution, we would expect to seek fines against the Board of Education members who participated in these alleged violations should they prove to be true, as well as fees and costs to be awarded against the Board of Education and its members.

Ronald W. Hallman, Esq.  
October 10, 2018  
Page 2

However, I believe that we can resolve this matter without litigation. I propose that the members of the Board of Education agree to the enclosed Memorandum of Understanding admitting that the law was violated, agreeing that such violations will not occur in the future, and paying a \$100 civil penalty (per person) to the State of Georgia. In addition, the Board of Education, including but not limited to the board members, the Superintendent, and other school district employees who are responsible for preparing materials for board meetings, will agree to participate in an open records and open meetings training session with the Attorney General's Office.

I have enclosed a draft Memorandum of Understanding for your consideration. Please contact me by close of business on Friday, October 26, 2018, to discuss the resolution of this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Colangelo". The signature is written in a cursive, slightly slanted style.

JENNIFER COLANGELO  
Assistant Attorney General

Enclosures

cc: Ms. Jessica Szilagyi

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE INDIVIDUAL MEMBERS OF THE EVANS COUNTY BOARD OF  
EDUCATION AND THE ATTORNEY GENERAL  
STIPULATING VIOLATIONS OF THE OPEN MEETINGS ACT AND STIPULATING  
TO ASSURE FUTURE COMPLIANCE WITH THE ACT**

This \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Evans County, State of Georgia.

COME NOW the members of the Evans County Board of Education (David Greene, Barbara Murphy, Joyce Lockwood, Sharon Haire, Job Gutierrez, Ed Mosley, and Vernella Welch), on the one part, and the Attorney General, on the other, and, as attested by the underlying signatures approving this Memorandum of Understanding, hereby agree as follows:

1. The Evans County Board of Education (“BOE”) is an “agency” within the meaning of Georgia law, O.C.G.A. §§ 50-14-1(a)(1), and the BOE and its individual members are subject to the requirements of Georgia’s Open Meetings Act, O.C.G.A. §§ 50-14-1 through 50-14-6.
2. The Attorney General has the civil and criminal authority and standing to enforce Georgia’s Open Meetings and Open Records Acts pursuant to O.C.G.A. §§ 50-14-5 and 50-18-73.
3. The Open Meetings Act provides: “The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section.” O.C.G.A. § 50-14-1(c).

4. Although the Open Meetings Act allows a meeting to be closed “when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee,” it also requires that “[t]he vote on any matter covered by this paragraph shall be taken in public.” O.C.G.A. § 50-14-3(b)(2).

5. The Open Meetings Act requires that “[p]rior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting.” O.C.G.A. § 50-14-1(e)(1).

6. With regard to open government, the General Assembly has stated: “the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society ...” O.C.G.A. § 50-18-70(a).

7. The members of the BOE endeavor in the future to be in full compliance with Georgia’s Open Meetings Act, and by this agreement admit to past violations of the law as outlined below.

WHEREAS the parties wish to resolve all disputed claims amongst them and agree that the members of the BOE should henceforth fully comply with Georgia’s Open Meetings Act, the parties agree as follows:

1. The members of the BOE admit and stipulate that violations of the Act occurred at meetings on August 13, 2018 and September 24, 2018, when they voted to “accept the personnel recommendations” discussed in executive session without informing the public at the time of the vote what those recommendations were.

2. The members of the BOE admit and stipulate that violations of the Act occurred at meetings on August 13, 2018 and September 24, 2018, when the meeting agendas failed to describe the personnel decisions that would be voted on at those meetings.

3. The members of the BOE attest and pledge that in the future, the motions made at public meetings will be detailed enough to inform the public about the matter being voted on at the time the motion is made and voted on.

4. The members of the BOE attest and pledge that in the future, meeting agendas will be detailed enough to inform the public in advance about the specific personnel decisions being made.

5. Fines of \$100.00 will be paid by each individual member of the Evans County Board of Education to the State of Georgia, such violation and fine constituting a first violation within the meaning of O.C.G.A. § 50-14-6, with subsequent violations subject to a fine of up to \$2,500.00 if occurring within twelve (12) months. The members of the Evans County Board of Education will also attend training on the requirements of the Open Meetings Act, with such training to be provided by the Attorney General's Office.

SO AGREED,

This \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mr. David M. Greene  
School Board Chairman

\_\_\_\_\_  
Christopher M. Carr  
Attorney General

\_\_\_\_\_  
Barbara Murphy

\_\_\_\_\_  
Joyce Lockwood

\_\_\_\_\_  
Sharon Haire

\_\_\_\_\_  
Job Gutierrez

\_\_\_\_\_  
Ed Mosley

\_\_\_\_\_  
Vernella Welch