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March 13, 2019

Via facsimile: 912-739-3082

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

RE: Open Records 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. As you know, last fall our office received a complaint from Ms. Jessica Szilagyi alleging that the Board of Education regularly voted to approve "personnel recommendations" made by the Superintendent without disclosing what recommendations are being voted on. At that time, neither the motion nor the meeting agenda described for the public exactly what is being approved. We have engaged in discussions with the Board over the past few months in an effort to resolve this short of litigation, but those negotiations have not been successfully concluded.

I know that the Evans County Board of Education, like many boards, may have many personnel decisions to make at each meeting and that a verbal motion for each individual employee or position can be inefficient and time-consuming. I understand that the current practice of the board in Evans County during their meetings is to now use a projector screen to display a list of the employees or positions being voted on. This allows the people in attendance at the meeting to understand the motion being made and the vote being taken at the time that they occur.

However, I remain concerned that the meeting agendas do not list the specific positions that will be voted on at each meeting. "Personnel recommendations – if needed" is an item that appears on the agenda for most board meetings without any additional detail. Parents and citizens are not informed in advance about which personnel decisions, if any, will be made at an upcoming meeting.

I understand that the board is concerned with protecting the privacy of its employees. However, the provisions of the Open Meetings and Open Record Act demonstrate a policy decision that the

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importance of having an open government may frequently outweigh concerns over personal privacy. In *Fincher v. State*, 231 Ga. App. 49, 53 (1998), a case that involved a dispute over the release of an investigatory report, the Court of Appeals stated:

The public has an interest in learning about the operation and functioning of a public agency . . . and the work-related conduct of public employees; in gaining information to evaluate the expenditure of public funds and the functioning of a public institution or agency; in having information openly available to them so that they can be confident in the operation of their government; and in ensuring that both the activity of public employees suspected of wrongdoing and the conduct of those public employees who investigate the suspects is open to public scrutiny. [Internal citations omitted.]

The Evans County Board of Education's failure to include in their agenda enough information to inform the public of the specific personnel decisions that will be discussed or voted on at each meeting does not allow the public to fully understand the functioning and operation of the school district. Our office still believes that the board needs to take the corrective actions described in the proposed Memorandum of Understanding that was sent to you in October of 2018. If we cannot reach a resolution on this matter, legal action by the Attorney General against the Board of Education remains a distinct possibility.

Sincerely,



JENNIFER COLANGELO
Assistant Attorney General

cc: Ms. Jessica Szilagyi