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Oakland Community College's Royal Oak Campus hosts a variety of free and paid admission activities at its annual Festival of the Arts, Friday, Dec. 4, through Sunday, Dec. 6.

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Open meetings?

Student sparks prosecutor's investigation

BY RALPH R. ECITINAW
STAFF WRITER

Oakland County Prosecutor Richard Thompson has ordered an investigation of the Oakland University Board of Trustees after a student accused the board of illegally barring press and public from committee meetings.

Thompson was asked by the student, Oakland Post senior editor Margaret O'Brien, to see if the university board's policy is illegal under the terms of the Michigan Open Meetings Act.

Thompson said Tuesday that he told the warrants division of his office to interview O'Brien and university officials (including board members), then decide if the board has been breaking the law.

Since 1970, when Oakland broke away from Michigan State University and got its own board of trustees, the press and public have been barred from OU committee meetings, said OU's general counsel John DeCarlo.

But DeCarlo doesn't believe the committees have violated the terms of the Open Meetings Act because there's never more than three trustees at a committee meeting.



"I believe what we have here is not a legal question but a philosophical question."

John DeCarlo
OU attorney

The way state law is written, you have to have at least half of a public body's members present at a meeting before you have a "quorum," which makes it an official meeting. DeCarlo contends that because there's never a quorum at committee meetings, then they're not official meetings subject to the provisions of the Open Meetings Act.

"I believe what we have here is not a legal question but a philosophical question," DeCarlo said.

However, O'Brien points to the Open Meetings Act's definition of "public body," which includes committees. The Act goes on to say that "all meetings of a public body shall be open to the public." Based on that, O'Brien believes the committee meetings should be open to press and public.

"It's really been an area that hasn't been explored legally," she said. OU trustee Andrea Fischer, an attorney, doesn't believe O'Brien

is reading the Open Meetings Act correctly. "I think she reads it wrong," Fischer said. "No final decisions are made in those (committee) meetings."

Another OU trustee, L. Brooks Patterson (who was also elected Oakland County executive), did not return the Eccentric's phone call. Patterson spokeswoman Carmen Talbot said her boss would probably not want to talk about the situation.

O'Brien said she'd like to discuss the dispute with university officials, but "you can't have a discussion when there's only one person talking. My next plan of action is to show up at a committee meeting and get thrown out."

O'Brien also wrote a letter to Michigan Attorney General Frank Kelley asking his office to investigate the board, too.

Attorney general spokesman Chris DeWitt's comments were guarded. O'Brien's complaints are being looked into, he said, but "as to how it will be resolved, it's too early to say."

The OU board of trustees currently has three committees: finance and personnel, university affairs, and investment.

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