



GEORGIA DEPARTMENT OF LAW

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August 13, 2024

Via Email Correspondence: wdenmark@fincherdenmark.com

Winston Denmark, Esquire
Denmark Ashby, LLC
100 Hartsfield Center Parkway, Suite 400
Atlanta, Georgia 30354

RE: *Open Meetings Act Complaint from Concerned Citizens regarding
the City of College Park*

Dear Mr. Denmark:

I am writing regarding numerous Open Meetings Act complaints our office has received from concerned citizens about the City of College Park ("city"). The concerned citizens allege that at a called meeting on August 9, 2024, the city manager ordered the expulsion of all members of the public after a verbal outburst from a citizen and associated cheers. According to the concerned citizens, the city council continued to transact city business in the absence of the public. Given the volume of complaints received from the concerned citizens, copies of the complaints are available for your review, upon request.

Video of the meeting posted to the city's website reveals that upon the verbal outburst by the citizen, which was in response to the reading of a resolution to censure Mayor Bianca Motley Broom ("Mayor"), the city manager directed the meeting to be closed to the public. In response, the Mayor voiced that as an open meeting, the public was entitled to be present. Police officers subsequently waived all members of the public out of the meeting. The meeting footage then transitions to the city's home page and subsequently resumes showing the city council taking action on other agenda items without the public being present.

Under Georgia law, the Attorney General, as an independent constitutional officer, has the discretionary authority to enforce the Open Records Act and the Open Meetings Act. O.C.G.A. §§ 50-14-5(a) and 50-18-73(a). The Attorney General has chosen to exercise that discretion by establishing a mediation program where citizens may raise issues and concerns

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with us regarding the Acts, and we will attempt to resolve disputes between citizens and local government. This office also reserves the right to pursue litigation in these matters where it deems doing so is appropriate.

The Open Meetings Act (“Act”) expressly provides that “all meetings shall be open to the public” and that “[t]he public at all times shall be afforded access to meetings declared open to the public.” O.C.G.A. § 50-14-1(b)(1); O.C.G.A. § 50-14-1(c). The Act only permits the city to lawfully close a meeting for executive session to discuss certain enumerated matters. O.C.G.A. § 50-14-1(a)(2); O.C.G.A. § 50-14-3. Indeed, “[w]here a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public.” O.C.G.A. § 50-14-4(a) (emphasis added). Upon my review of the agenda for the August 9, 2024, called meeting and video of said meeting, the public was removed from, and therefore unable to access, the meeting during the consideration of agenda item 2A; the city council continued with city business following the public’s expulsion from the meeting.

I am not aware of all the circumstances surrounding the meeting, and I am not assuming the city violated the law. I ask that the city provide a response to the complaints within the next ten business days. Thank you for your prompt attention to this matter.

Sincerely,

/s/ Kristen Settlemire

KRISTEN SETTLEMIRE
Senior Assistant Attorney General

cc: Concerned Citizens (via email correspondence)