



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 22, 2026

Via electronic mail

Mr. Ronald Baker
[REDACTED]

Via electronic mail

Mr. Dale Warren
Board Chairperson
Wayne County Housing Authority
303 North First Street
Fairfield, Illinois 62837
wayneha@midwest.net

RE: OMA Requests for Review 87112, 87230, 87256, 87464

Dear Mr. Baker and Mr. Warren:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA).¹

In his four Requests for Review submitted to this office between June 2, 2025, and June 16, 2025, Mr. Ronald Baker alleged that: (1) between November 7, 2023, and February 28, 2024, four of the five voting members of the Board of Trustees (Board) of the Wayne County Housing Authority (Authority) participated in group text messages and e-mails to discuss a proposed resolution to remove a Board member; (2) between February 11, 2025, and February 21, 2025, at least three of the five voting members of the Board participated in a group text chat regarding personnel decisions; (3) four voting members and the Authority's executive director exchanged texts in a group chat between July 26, 2024, and October 11, 2024, to discuss the removal of Mr. Baker as a Board member; (4) four voting members participated in an April 2025 text exchange concerning a petition to remove him the Board. Mr. Baker submitted images or

¹5 ILCS 120/3.5(e) (West 2024).

screenshots of alleged text messages, but most of the text is illegible because of its small size and the messages were indecipherable when this office attempted to magnify them.

On June 11, 2025, June 13, 2025 and June 20, 2025, this office sent a copy of the Requests for Review to the Board on and requested that it provide a written response and a copy of the text exchanges. On July 9, 2025 the Board provided a written response to all four Requests for Review but did not provide a copy of the text exchanges. This office forwarded a copy of the response to Mr. Baker on July 24, 2025; he replied on August 7, 2025. On November 19, 2025, the Board also furnished a supplemental response to Request for Review 2025 PAC 87464.

DETERMINATION

It is "the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2024). "The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (1989).

Section 1.02 of OMA (5 ILCS 120/1.02 (West 2024)) defines a meeting as:

[A]ny gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

The Board appears to consist of five voting members. Accordingly, three Board members is a quorum, and any gathering in which three members engage in contemporaneous interactive communications concerning public business, including by text messages and other electronic means, constitutes a meeting that is subject to the requirements of OMA.

In its response to this office, the Board provided four separate letters addressing the allegations in Mr. Baker's Request for Review. In each of its responses, the Board largely does not directly address the specific allegations made in Mr. Baker's Requests for Review.

First, in response to the allegations in OMA Request for Review 87112, the Board states that it was unable to read the texts in the complaint but assumes Mr. Baker's synopsis of the texts is accurate. Presumably referring to the context of the text messages, the Board stated that it was following direction by the United States Department of Housing and Urban Development to compile a letter and evidence for the Wayne County Board. The Board also stated that "there was never a quorum of members meeting with Wayne Co. Board Chairman Daryl Hargrave, State's Attorney, Kevin Kakac or the County Clerk[.]"² and that "no decisions were made during the only meeting" with the State's Attorney.³ Second, in OMA Request for Review 87230, the Board states that "no decisions were made in the texts in this complaint[.]" but acknowledges that the texts discussed interviewing candidates for the Executive Director position and setting a special meeting to set a salary.⁴ Third, in OMA Request for Review 87256, the Board states texts were exchanged about Mr. Baker's behavior and that the texts "were sent due to our concern for the safety and security of our employees and other residents. The texts were in no way a meeting with the discussion of business or decision making."⁵ Finally, in OMA Request for Review 87464, the Board states that "it has not made decisions or held a meeting via texts."⁶ In his response, Mr. Baker states that the Board's responses "fail to demonstrate any meaningful accountability or corrective action but also reveal a troubling pattern of deliberate evasion and concealment regarding violations of the Illinois Open Meetings Act."⁷

²Letter from the Board Members of the Housing Authority of Wayne Co., IL, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General of Illinois (July 9, 2025).

³Letter from the Board Members of the Housing Authority of Wayne Co., IL, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General of Illinois (July 9, 2025).

⁴Letter from the Board Members of the Housing Authority of Wayne Co., IL, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General of Illinois (July 9, 2025).

⁵Letter from the Board Members of the Housing Authority of Wayne Co., IL, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General of Illinois (July 9, 2025).

⁶Letter from the Board Members of the Housing Authority of Wayne Co., IL, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Attorney General of Illinois (July 9, 2025).

⁷E-mail from Ronald Baker, Resident Commissioner, Wayne County Housing Authority to Public Access Bureau, Office of the Attorney General of Illinois (August 7, 2025).

Section 3.5(b) of OMA⁸ expressly requires the Board to cooperate with the Public Access Bureau. Despite this office's June 11, 2025, June 13, 2025, and June 20, 2025, letters requesting that it provide a written response and a copy of the text exchanges, the Board failed to provide this office with the relevant text messages. The Board's responses also fail to adequately address the allegations raised in Mr. Baker's Requests for Review, but do not appear to dispute text messages were exchanged by a quorum of members about the topics Mr. Baker described. To the extent the Board's response could be construed as asserting that text messages exchanged by a quorum of Board members are not subject to the requirements of OMA because no final decisions were made or because the Board was addressing urgent safety matters or following direction by a federal agency, the definition of "meeting" in OMA expressly encompasses contemporaneous, interactive communications amongst a quorum of the members of a public body "for the purpose of discussing public business." 5 ILCS 120/1.02 (West 2024). Compiling evidence to present to a county board and planning meetings and communications related to the possible removal of a member of a public body unequivocally pertain to public business. The requirements of OMA apply to such discussions regardless of whether decisions are made.

The messages provided by Mr. Baker are largely unreadable with the exception of certain text messages at issue in OMA Request for Review 87230, which appear to show a quorum of members making plans to schedule meetings through group text messages exchanged in close proximity in time. In addition, the Board's responses acknowledged its members did exchange group text messages about topics of public business and do not dispute that at least some of those exchanges involved a quorum of members. Therefore, the available information appears to indicate that the Board engaged in communications that constituted meetings without complying with the requirements of OMA. Further, the Board's failure to cooperate in this matter by providing the Public Access Counselor with copies of the underlying text messages violated section 3.5(b) of OMA.

The Board should be mindful of its statutory obligation to fully cooperate with this office in connection with future Requests for Review, and to adhere to all other requirements of OMA. In particular, the Board must refrain from holding meetings through group text messages and other electronic means and ensure that it conducts all public business openly in accordance with OMA, unless it is authorized to discuss a topic in closed session under an exception in section 2(c),⁹ and properly enters closed session during an open meeting pursuant to section 2a (5 ILCS 120/2a (West 2024)).

⁸5 ILCS 120/3.5(b) (West 2024). Section 3.5(b) of OMA provides, in pertinent part: "Within 7 working days after receipt of the request for review, the public body shall provide copies of the records requested and **shall** otherwise fully cooperate with the Public Access Counselor." (Emphasis added.)

⁹5 ILCS 120/2(c) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

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The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, please contact me at Matthew.Rogina@ilag.gov.

Very truly yours,

Matthew Rogina

MATTHEW C. ROGINA
Senior Attorney General
Public Access Bureau

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Cc: Via electronic mail
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