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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-173

July 30, 1985

The Honorable Julia Hughes Jones
Auditor of State
State Capitol
Little Rock, Arkansas 72201

Dear Ms. Jones:

I am in receipt of your letter of June 20, 1985 in which you seek an opinion on two questions you have pertaining to Act 93 of 1967 (as amended) the Freedom of Information Act.

You have stated the following:

1) Because the Freedom of Information Act restricts the participants and attendees of executive sessions to board members, top administrators of the office, immediate supervisor of the involved employee, the involved employee, if requested by the board (and interviewees for the top administrative position) does the Act, therefore, prohibit attendance by anyone else?

The answer to this question is "yes". Act 93 is quite specific in setting out who may attend an executive session. Only those persons listed in Section 12-2805 are allowed, and only they can attend upon invitation.

2) Would a 'joint executive session' of two distinct and separate governmental boards, such as the Arkansas Local Police and Fire Retirement System Board of Trustees and the Arkansas Fire and Police Pension Review Board, be a violation of the Freedom of Information Act?

The answer to this question is also "yes" for the same reason cited above. Only those persons specifically listed in §12-2805 of the Act are permitted to attend executive session. Thus, the members of each Board would be excluded from attendance at the other's executive session.

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The foregoing opinion, which I hereby approve was prepared by Chief
Deputy Attorney General Rodney Parham.

Sincerely,



STEVE CLARK
Attorney General