

WILMER R. TICER

Attorney At Law
6178 Oxon Hill Road
Suite 102
Oxon Hill, Maryland 20745

Admitted to Practice:
MD., D.C., N.M.

301-567-2221
FAX 301-567-3234

June 16, 2003

Jack Schwartz, Esq.
Assistant Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202-2021

Ref: Town of Forest Heights

Dear Mr. Schwartz:

Thank you for forwarding a copy of the complaint letter you received from George F. Wiggers regarding a workshop meeting held by the Mayor and Council of Forest Heights.

Forest Heights is a community the governing body of which has acted openly for many years. Discussions of personnel matters, including the appointment of Town officials, are not done in public session for obvious reasons. The meeting of which Mr. Wiggers complains was a typical workshop meeting. The Mayor was not aware that it was necessary to conduct a recorded vote or make a written statement of the reason for closing the meeting. During the four years she has served as a member of the Council and now as Mayor, the issue had not been raised. As a practical matter, neither of her predecessors raised the issue with me during the prior fourteen years that I served as Town attorney.

I agree with Mr. Wiggers insofar as he suggests that the workshop meeting should not have been closed without a vote and that the actual vote to appoint a public should not be held in closed session. However, a discussion of the qualifications for appointment as a public official of any individual falls within the ambit of sections 1508 (a)(1) and (2) of the Open Meetings Act, and closing of the session is appropriate. I have reviewed the requirements of the Act with the Mayor and am assured that she and the Council will comply with its requirements in the future.

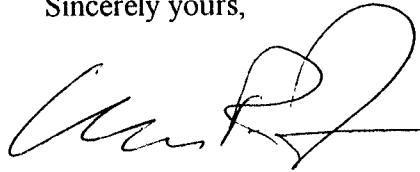
Mr. Wiggers also complains that citizens are not given an opportunity to speak at the workshop meetings. His complaint is well taken. The Town has acted in the manner of which he complains for many years, including the years during which Mr. Wiggers served on the Council. However, after reviewing the Charter, the Mayor has decided to schedule a period at the end of workshop meetings for public comment.

I do hope these responses and affirmative steps resolve this issue to your satisfaction.

Jack Schwartz, Esq.
Assistant Attorney General
June 16, 2003
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Should you or the Board require further information from the Town, please communicate with me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'W. R. Ticer', with a large, stylized flourish at the end.

Wilmer R. Ticer

cc: Mayor
Mr. George F. Wiggers