

CASE NO. 17-003
SUPREME COURT

P.A.T.I. v. JOHNSON

Parties: **Appellant – People Against Trash Incinerators**
 Respondent – Alfred Johnson

Issues:

- (1) Does Minnesota’s Open Meeting Law apply to situations in which public officials are able to meet professionally and socially to discuss public business?
- (2) Does the Sunshine Law, as applied, violate public officials’ First Amendment right to freedom of association?

Facts:

Janesville is predominantly a farming community. In 1998, the Lamplite Corporation opened a cabinet manufacturing factory in nearby Waseca. As Waseca became more industrialized, more people began to move into Janesville and commuted to work in Waseca. This influx in population soon overtaxed local government resources, requiring the addition of several new city employees. With the projected population growth, the Janesville City Council debated the impact of additional expenditures on the city budget.

These issues were highly contested in the 2006 mayoral election in Janesville. Alfred Johnson narrowly defeated Maureen Rogers, by less than one percent of the vote. As his first major initiative, Johnson implemented a plan to begin town improvements without raising taxes. Within the same week, TrashMasters Inc. expressed interest in building a trash incinerator on marshland behind the junior high school. The land was owned by the town. The sale of the land would finance all the improvements Mayor Johnson suggested, plus completely finance the town’s budget for the next two years, according to figures from the Mayor’s office.

On February 28, 2007, Johnson invited Oliver Bjerkness, Gordon Frank and Fredrick Hovland to his home for dinner. Bjerkness, Frank and Hovland were members of Janesville’s City Council and were personal friends of Johnson. Also present was Roger Seale of TrashMasters.

The next day, Johnson announced his endorsement of the TrashMasters plan, prompting a widespread protest. Under the guidance of Rogers, “People Against Trash Incinerators” (P.A.T.I.) was formed to oppose the TrashMasters plan. The Janesville Courier was soon filled with letters on both sides of the debate, some warning of the environmental damage from the incinerator, others posting scientific evidence showing that the TrashMasters plan fell within environmental safety limits and was economically necessary.

On March 15, 2007, word leaked of the dinner at Johnson’s home. P.A.T.I filed suit under the Minnesota Open Meetings Law. P.A.T.I. sought a *writ of mandamus* which would prevent Johnson from holding such meetings in the future and impose a civil penalty not less than \$100, pursuant to Minn. Stat. §471.705, subd. 2.

The trial court ruled against P.A.T.I., holding that the dinner at Johnson's home was a social gathering and thus exempt from the Open Meetings Law. However, the trial court noted that the standard to determine whether a gathering is a "meeting" is vague, suggesting that a council member might easily avoid the open meeting requirements under the guise of a social gathering. P.A.T.I. now appeals.

Authorities:

The following is a brief summary of some things you should think about and keep in mind when you read the cases and as you prepare your briefs and arguments. You are not limited to these points. Instead, they are just good starter questions to think about. You will also notice some cases are available on the YIG website. These cases represent some of the materials you can use to begin your research. Other case citations are below but are not provided—you will need to seek out these case materials to complete your briefs and oral arguments (denoted by **).

Summary:

Issue #1 – Open Meeting Law/Public Officials in Social Settings

Is a private gathering involving a public official considered as a business session when other public officials are present?

What is the distinction between a private gathering and a public meeting?

Issue #2 – Public Officials/First Amendment Rights of Freedom of Association

If the Sunshine Law is intended to protect citizens' rights, is it harming the rights of public officials?

Is the right of citizens to petition government harmed by the public officials' right to free association?

If balancing the rights against each other, does one have to win and the other have to lose? What happens if one right is deemed more important than the other?

Cases and Related Materials:

The Government in the Sunshine Law, reprinted from "Public Interest" Administrative Law, pp. 1079-1085

Stewart, Administrative Law, pp. 30-37

Hubbard Broadcasting v. City of Afton, 323 N.W. 2d 757 (Minn. 1982)

Northwest Publications v. City of St. Paul, 435 N.W. 2d 64 (Minn. App. 1989)

Keyishian v. Board of Regents, 385 U.S. 589, 17 L.ed 2d 629 87 S. Ct. 675

**United States Constitution, Amendment I

**United States Constitution, Amendment XIV, §1 (the First Amendment does not apply to states without the 14th Amendment "incorporating" those rights into the rights of all citizens)

**Minnesota Statutes §471.705

**Moberg v. ISD 281, 336 N.W. 2d 510 (Minn. 1983)

**Evans v. Newton, 15 L.Ed. 2d 426 (1967)

**United Mine Workers v. Illinois Bar Association, 19 L.Ed. 2d 426 (1967)