

FOIA: “Public Business”

- No statutory definition
- Recent Virginia Supreme Court decision of *Gloss v. Wheeler* provides a new and broad definition

FOIA: Public Business

Public Business:

“A subject that falls within the purview of that public body” that

- Is either before the public body; or
- Is likely to come before the body in the foreseeable future

FOIA: Public Business Practical Considerations

- ▶ Be very wary of meeting with more than two members of your public body
- ▶ Under the new definition, even if the meeting wasn't originally planned or intended to discuss public business, but it evolves that way, it's a public meeting.

FOIA: Public Business Practical Considerations

- ▶ If you want to attend any gathering where more than two members will be present, put it on the public meetings calendar in an abundance of caution.
- ▶ If the notice period of 3 days can't be observed, you may be advised not to attend the gathering.
- ▶ Purely social events are likely still OK (weddings, retirement parties).

QUESTIONS?

