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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-SO-25

DATE ISSUED: November 2, 2026

ISSUED TO: Divide County School District Board of Education

SUMMARY OPINION[1]

Shane Gunlock requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the Divide County School District Board of Education (Board) violated N.D.C.C. §§ 44-04-19 and 44-04-20 by failing to properly notice and permit public access to a meeting of an alleged committee of the Board, consisting of three of the seven Board members and two school principals. The Board states that less than a quorum of Board members met with the two school administrators and that this group was not a committee of the Board.[2] This office has previously stated that it "cannot question" a public entity's assurance that it did not delegate authority to an alleged committee of the governing body.[3] Based on the facts provided by the Board, it is my opinion that a quorum of the Board did not meet and no violation of the open meetings law occurred in this instance.

Drew H. Wrigley
Attorney General

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cc: Shane Gunlock

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[1] This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).
[2] See N.D.C.C. § 44-04-17.1(9)(a)(1) (defining meeting to include a gathering of "[a] quorum of the members of the governing body of a public entity regarding public business."); N.D.C.C. § 44-04-17.1(6) ("'Governing body' also includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body."); N.D.A.G. 2013-O-12 ("[C]ommittees of a governing body have the same requirements to notice its meetings and prepare minutes because they are subject to the open meeting laws.").
[3] N.D.A.G. 2013-O-12; *see also* N.D.C.C. § 44-04-21.1(1) ("In any opinion issued under this section, the attorney general shall base the opinion on the facts given by the public entity.").