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State/Statute	Civil Penalties	Criminal Penalties	Other Remedies	Removal from Office	Who Enforces	Private Right to Enforce	Attorneys' Fees
Alabama <u>Act No. 2005-40.</u>	For each member and each meeting: Lesser of \$1,000 or half monthly salary for serving on board.	No.	Court may invalidate the meeting and issue injunctive relief.		Local DA or AG	Any citizen or media organization.	Yes.
Alaska <u>A.S. 44.62.310</u>	No.	No.	Court may void actions taken in violation of the law.				No.
Arizona <u>A.R.S. § 38-431 et seq.</u>	Person who violates the law is subject to a civil penalty not to exceed \$500. The penalty is deposited to the public body's general fund.	No.	All legal action transacted by any public body during a meeting held in violation of any provision of this law is null and void, but may be ratified in accordance with statute.	Court may remove official from office if it finds that the official violated the law "with intent to deprive the public of information." In this case, official must pay plaintiff's costs and attorneys' fees.	Attorney general or county attorney	Any person affected by violation may sue.	Court may award prevailing plaintiff reasonable attorney's fees, payable by the defendant state, city or town of which the public body is a part or reports.
Arkansas <u>Ark. Code Ann. § 25-19-101 et seq.</u>	No.	Any person who "negligently violates" the law is guilty of a misdemeanor, punishable by a fine of not more than \$200 or 30 days in jail, or both, or a sentence of public service or education, or both.				Any citizen.	Court shall assess reasonable attorneys' fees and other litigation expenses reasonably incurred by a plaintiff who substantially prevails unless the court finds that the position of the defendant was substantially justified.

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<p>California - Bagley-Keene Open Meeting Act, <u>Government Code Sections 11120- 11132</u> (governing state bodies) - Ralph M. Brown Act, <u>Government Code Sections 54950-54962</u> (governing legislative bodies of local agencies).</p>	No.	Both laws make it a misdemeanor for a member of a state or legislative body to attend a meeting in violation of the law "where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled."	Court may declare any action taken in violation of the law to be null and void.		District attorney	Any interested person may commence an action, but must first give the entity an opportunity to cure the violation.	The court may award court costs and attorneys' fees to the plaintiff under either law. The fees are to be paid by the body and are not the personal liability of any individual officer or employee.
<p>Colorado <u>Colo. Rev. Stat. § 24-6-401 et seq.</u></p>	No.		Government action is not valid unless done in compliance with the law.			Any citizen.	Court may award prevailing plaintiff costs and reasonable attorneys' fees.
<p>Connecticut <u>Conn. Gen. Stat. §1-225 et seq.</u></p>	Freedom of Information Commission may, in its discretion, impose against the official a civil penalty of not less than \$20 or more than \$1,000.	Failure to comply with order of FOIC is misdemeanor.	Freedom of Information Commission reviews violations. It may declare null and void any action taken at any meeting in which a person was denied the right to attend			Any person denied right to attend public meeting may appeal to FOIC. FOIC's decision may be appealed to court.	Yes.
<p>Delaware <u>29 Del. C. § 10001</u></p>	Court may order the forfeiture of all or part of the official's compensation. Court must find that the official had no good faith basis to believe that the meeting could be closed.		Court may void any action taken at a meeting in violation of the law.		Attorney General	Any citizen.	The court may award attorneys' fees and costs to the successful plaintiff.

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Florida <u>Fla. Stat. sec. 286.011</u>	Official who violates the law is guilty of a non-criminal infraction, punishable by a fine up to \$500.	Official who knowingly violates the law is guilty of a second degree misdemeanor, punishable by up to one-year imprisonment and/or a fine up to \$1,000.					Court may award reasonable attorneys' fees, assessed against the agency and/or individual members.
Georgia <u>O.C.G.A. § 50-14-1, et seq.</u>		Knowing and willful violation of the law is a misdemeanor punishable by a fine of up to \$500.				Any person, firm or corporation.	The court must award attorneys' fees and reasonable litigation expenses if it determines that the violation was "without substantial justification" and no special circumstances exist.
Hawaii <u>Haw. Rev. Stat. § 92-1 et seq.</u>	No.	Any person who willfully violates the law is guilty of a misdemeanor and, upon conviction, can be summarily removed from the board.	Court may void any final action taken in violation of the law upon proof of willful violation.	Removal from office upon conviction of misdemeanor.	Attorney General and prosecuting attorney	Any person may commence a suit for the purpose of enforcing the law.	The court may order payment of reasonable attorneys' fees and costs to the prevailing party.

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Idaho <u>Idaho Code § 67-2340 – 67-2347</u>	An official who "knowingly conducts or participates in a meeting" that violates the law is subject to a civil fine not to exceed \$150 for a first violation and not to exceed \$300 for each subsequent violation.		If an action or any deliberation or decision-making fails to comply with the law, it is null and void.		Attorney General, county prosecuting attorneys	Any person affected by a violation of the law may commence a civil action for the purpose of requiring compliance with the law.	
Illinois <u>5 ILCS 120/1-6</u>		Violation is a misdemeanor, punishable by a fine of not more than \$1,500 or by imprisonment for not more than 30 days, or both.	Court may void action.			Any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action	The court may assess reasonable attorneys' fees and other litigation costs to prevailing party.
Indiana <u>Ind. Code § 5-14-1.5 et seq.</u>	No.		Action may be voided or enjoined by a court.			An action may be filed by any person.	The court shall award reasonable attorneys' fees, court costs and other reasonable expenses of litigation to a prevailing plaintiff. However, plaintiff must first seek and obtain an informal opinion from the Public Access Counselor, unless the lawsuit was necessary to prevent violation of the law.

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Iowa <u>Iowa Code § 21.1 et seq.</u>	Each official who violates the law may be assessed damages in the amount of not more than \$500 or less than \$100, payable to the state or local government involved.		Void any action taken in violation of this law.	Court shall remove a member of a governmental body from office if that member has engaged in two prior violations of the law for which damages were assessed against the member during the member's term.		Any aggrieved person, taxpayer or citizen, or the attorney general or county attorney, may seek judicial enforcement of the law.	Court may award costs and reasonable attorney fees, paid by the members who violated the law or by the governing body.
Kansas <u>K.S.A. 75-1717 to 75-1720c</u>	Official who knowingly violates the law is liable for a civil penalty, in a sum not to exceed \$500 for each violation, payable to the state or county general fund.		Court may void any action taken at a meeting not in substantial compliance with the law.		Attorney general or county or district attorney.		Court may award court costs to the plaintiff if it finds a violation. The award is to be assessed against the public agency or body responsible for the violation.
Kentucky <u>KRS 61.800 to 61.850</u>	Court may award the complaining party an amount not to exceed \$100 for each violation, assessed against the agency responsible for the violation.				Attorney General	Any person	If the court finds the agency willfully violated the law, it may award costs, including reasonable attorneys' fees.
Louisiana <u>La. Rev. Stat. Ann. § 42:4.1 et seq.</u>	Any member who knowingly and willfully participates in a meeting that violates the law shall be personally liable for a civil penalty of up to \$100 per violation.		Court may void any action taken in violation of the law and issue injunctive relief.		Attorney general and district attorneys.	Any person may institute enforcement proceedings.	The party who brings enforcement proceedings and prevails shall be awarded reasonable attorneys' fees and other costs of litigation.

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<p>Maine <u>1 M.R.S.A. § 401 et seq.</u></p>	<p>For every willful violation, the entity whose officer or employee committed the violation shall be liable for a civil violation of not more than \$500.</p>		<p>Any official action taken in an executive session "shall be illegal" and a court may order it null and void.</p>			<p>Any person may file suit.</p>	<p>Attorneys' fees are not available, but prevailing party is entitled to costs.</p>
<p>Maryland <u>Maryland Code § 10-507</u></p>	<p>A civil penalty of up to \$100 for any member of a public body who willfully takes part in a closed meeting knowing that it is being held in violation of the law.</p>		<p>State Open Meetings Law Compliance Board reviews complaints of noncompliance.</p> <p>In court action, court may void action of body.</p>			<p>Persons affected adversely may file with Compliance Board or may file in court.</p>	<p>The court may award a prevailing party reasonable attorneys' fees and litigation expenses.</p>
<p>Mass. <u>G.L. c.39, § 23B</u> <u>G.L. c.30A, s. 11A.5</u></p>	<p>Local government bodies, but not state bodies, may be fined up to \$1,000 for each meeting held in violation of the law.</p>		<p>A court may invalidate any action taken at any meeting that violates the law.</p>		<p>Attorney general and district attorneys.</p>	<p>Three or more registered voters may commence an action to enforce the law.</p>	<p>The statute does not provide for awards of attorneys' fees.</p>

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<p>Michigan <u>MCLA § 15.261 et seq.</u></p>	<p>An official who intentionally violates the law may be personally liable to persons bringing the action for actual and exemplary damages of up to \$500, plus costs and attorneys' fees.</p> <p>If the governing board of an institution of higher education violates the law with respect to the process of selecting a president, it may be liable for the payment of a civil fine of not more than \$500,000.</p>	<p>An official who intentionally violates the law is guilty of a misdemeanor punishable by a fine of not more than \$1,000.</p> <p>For a second offense within the same term, the official shall be fined not more than \$2,000, or imprisoned for not more than one year, or both.</p>	<p>A decision may be invalidated if the public body did not comply with the law or if its failure to give notice of the meeting interfered with substantial compliance and the court finds that the noncompliance or failure impaired the rights of the public.</p>		<p>Attorney general or county prosecutor</p>	<p>Any person may bring suit to enforce.</p>	<p>Prevailing plaintiff entitled to court costs and actual attorneys' fees.</p>
<p>Minnesota <u>Minn.Stat. § 13D.01 et seq.</u></p>	<p>Official who intentionally violates the law shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public body.</p>		<p>If an official has been found to have intentionally violated this law three or more times involving the same governing body, the official shall forfeit any further right to serve on the governing body or in any other capacity with the public body for a period of time equal to the term of office the person was then serving.</p>			<p>Any person may bring action to enforce.</p>	<p>The court may award reasonable costs, disbursements, and fees of up to \$13,000 to any party in the action. No attorneys' fees may be awarded against a member of the public body unless the court finds there was a specific intent to violate the law.</p>

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Mississippi <u>§ 25-41-5</u>	If the court finds that a public body has willfully and knowingly violated the provisions of the law, it may impose a civil penalty upon the public body in a sum not to exceed \$100.					Any citizen may bring action to enforce.	Court may award a successful plaintiff "all reasonable expenses incurred in bringing suit."
Missouri <u>Mo.Rev.Stat. § 610.010 et seq.</u>	The body or the member shall be subject to a civil penalty of up to \$1,000 or, if the law was "purposely violated," then up to \$5,000.		A court shall void any action taken in violation of the law.			Any aggrieved person, taxpayer or citizen may file suit.	Costs and attorneys' fees if the violation was knowing.
Montana <u>Mont. Code Ann. §§ 2-3-201 to 221</u>			Court may declare void any decision made in violation of the law.				Prevailing plaintiff may be awarded costs and reasonable attorneys' fees.
Nebraska <u>Neb. Rev. Stat. § 84-1408 et seq.</u>		Any member of a public body who knowingly violates the law shall be guilty of a Class IV misdemeanor for a first offense (up to \$500 fine) and a Class III misdemeanor for a second or subsequent offense (up to 3 months in prison and \$500 fine).	Court may void any action taken in violation of the law.		Attorney general and county attorney.	Any citizen of the state may commence a suit to enforce the law.	Court may award court costs and reasonable attorneys' fees to successful plaintiff.

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Nevada <u>N.R.S. 241.010 et seq.</u>	No.	Each member of a public body who attends a meeting where action is taken in violation of any provision of the law, with knowledge of the fact that the meeting violates the law, is guilty of a misdemeanor.	The action of any public body taken in violation of the law is void.		Attorney general.	Any person denied a right conferred by this law may sue.	The court may order the payment of reasonable attorneys' fees and court costs to a successful plaintiff in a suit brought pursuant to the law.
New Hampshire <u>R.S.A. 91-A</u>			Court may invalidate actions taken in violation of law.			Any person aggrieved.	Court may award reasonable attorneys' fees and costs.
New Jersey <u>N.J.S.A. 10:4-6 et seq.</u>	Any person who knowingly violates the law shall be fined \$100 for the first offense and no less than \$100 or more than \$500 for any subsequent offense.		Any action taken by a public body at a meeting that does not conform to the provisions of this act shall be voidable.			Any citizen.	
New Mexico <u>§10-15-1 et seq.</u>		Any person violating any of the provisions the law is guilty of a misdemeanor, punishable by a fine of not more than \$500 for each offense.			Attorney general or district attorney	Any individual may seek enforcement of the law, provided he/she first gives written notice of the claimed violation to the public body and the public body denies or fails to act on the claim within 15 days.	The court shall award costs and reasonable attorneys' fees to prevailing plaintiff.

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<u>New York</u> <u>N.Y. Pub. Off.</u> <u>Law, Art. 7, §§ 101</u> <u>et seq.</u>	No.		Court may declare void actions taken in violation of this section.			Any aggrieved person.	The court has discretion to award costs and reasonable attorneys' fees to the successful party.
<u>North Carolina</u> <u>General Statute</u> <u>Section 143-318.9</u>	No.		Actions taken in violation of the law are voidable.			Any person may bring an action to enforce the law.	Court may award the prevailing party reasonable attorneys' fees, to be taxed against the losing party. The court may order that all or any portion of any fee be paid personally by any individual members of the public body found to have knowingly or intentionally committed the violation.
<u>North Dakota</u> <u>N.D.C.C. § 44-04-</u> <u>19</u>	For an intentional violation, the court may award damages of \$1,000 or actual damages caused by the violation, whichever is greater.	A public servant who commits more than one violation is subject to criminal prosecution for a Class A misdemeanor (up to 1 year prison, \$2,000 fine).	Court may void actions taken in violation of the law.			Any person may request an attorney general's opinion to review a denial of access to a meeting. If AG finds violation, body must hold meeting to correct the violation.	Court may award costs, disbursements and reasonable attorneys' fees.

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<p>Ohio <u>Ohio Rev. Code § 121.22</u></p>	<p>If the court issues an injunction, it shall order the public body to pay a civil forfeiture of \$500 to the person who successfully sought the injunction.</p>		<p>Actions taken in violation of the law are invalid.</p> <p>An official who knowingly violates an injunction issued pursuant to this law may be removed from office by an action brought by the prosecuting attorney or the attorney general.</p>			<p>Any person may bring an action to enforce this section.</p>	<p>A court granting an injunction under the statute shall award to the party that sought the injunction all court costs and reasonable attorneys' fees.</p>
<p>Oklahoma <u>25 O.S. § 303</u></p>	<p>No.</p>	<p>Any person who willfully violates this law shall be guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment for not more than one year or both.</p>	<p>Any action taken in willful violation of this act shall be invalid.</p>				

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<p>Oregon <u>ORS 192</u></p>	<p>No.</p>		<p>Decision is voidable, unless entity reinstates the decision in a manner consistent with the law. Court "shall" void the action if it finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body</p>			<p>Any person affected by the decision may file suit.</p>	<p>The court may award prevailing plaintiff reasonable attorneys' fees, payable by the governing body, or public body of which it is a part or to which it reports.</p> <p>If the violation is the result of willful misconduct by any members of the governing body, they shall be jointly and severally liable to the governing body or the public body of which it is a part for the payment of attorneys' fees.</p>
<p>Pennsylvania <u>65 Pa. Cons. Stat. § 714</u></p>		<p>Any member of any agency who participates in a meeting with the intent and purpose of violating this law commits a summary offense and shall, upon conviction, be sentenced to pay a fine not exceeding \$100 plus costs of prosecution.</p>	<p>Court may invalidate any actions taken in violation of the law.</p>			<p>Any person may bring action to enforce.</p>	<p>If the court determines that an agency willfully or with wanton disregard violated a provision of the law, the court shall award the prevailing party reasonable attorneys' fees and costs of litigation or an appropriate portion of the fees and costs.</p>

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<p>Rhode Island <u>R.I. Gen. Laws § 42-46</u></p>	<p>The court may impose a civil fine not exceeding \$5,000 against a public body or any of its members who have been found to have committed a willful violation of the law.</p>		<p>The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of the law.</p>		<p>Attorney general enforces the law, and every year must prepare a report summarizing the complaints received pursuant to the law, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.</p>	<p>Any individual may bring an action to enforce the law.</p>	<p>The court shall award reasonable attorneys' fees and costs to a prevailing plaintiff, unless special circumstances would render such an award unjust.</p>
<p>South Carolina <u>S.C. Code Ann. § 30-4-10 et seq.</u></p>		<p>Willful violation is a misdemeanor. First offense: Fined not more than \$100 or imprisoned for not more than 30 days. Second offense: fined not more than \$200 or imprisoned for not more than 60 days. Third offense: fined \$300 or imprisoned for not more than 90 days.</p>				<p>Any citizen may file suit to enforce.</p>	<p>If a party prevails against the government, the court has discretion to award fees and costs.</p>

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South Dakota <u>SDCL § 1-25</u>	No.	Violation of the law is a Class 2 misdemeanor. punishable by a fine of up to \$200 or up to 30 days in jail or both.	State has an Open Meetings Commission. If the commission finds a violation of the law, it shall issue a public reprimand to the offending official or entity.		States attorney		Costs available, but not attorneys' fees
Tennessee <u>T.C.A. 8-44</u>	Courts may "issue injunctions, impose penalties, and otherwise enforce the purposes" of the law.		Any action taken at a meeting in violation of this part shall be void and of no effect			Any citizen.	
Texas Government Code <u>§ 551</u>		Knowing violation is a misdemeanor punishable by a fine of not less than \$100 or more than \$500 and/or imprisonment for not less than one month or more than six months.	Court may void action taken in violation of the law.			An interested person, including a member of the news media, may bring an action to enforce the law.	The court may assess costs of litigation and reasonable attorneys' fees incurred by a plaintiff or defendant who substantially prevails.
Utah <u>Utah Code Ann. § 52-4-9</u>	No.	Violation of open meeting law is Class B misdemeanor.	Any final action taken in violation of the law is voidable by a court.		Attorney general and county attorneys.	A person denied any right under this law may file suit to enforce.	The court may award reasonable attorneys' fees and court costs to a successful plaintiff.
Vermont <u>1 V.S.A. § 310 et seq.</u>		A member of a public body who knowingly and intentionally violates the law may be convicted of a misdemeanor and fined up to \$500.			Attorney general.	Any person aggrieved by a violation of this chapter.	

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<p>Virginia <u>Va. Code Ann. § 2.2-3714</u></p>	<p>For a willful and knowing violation, the official is liable for a civil penalty of not less than \$250 and not more than \$1,000. The penalty for the second violation shall not be less than \$1,000 or more than \$2,500. Fine is paid to State Literary Fund.</p>				<p>Commonwealth Attorney</p>	<p>Any person may bring suit to enforce.</p>	<p>Costs and fees will be awarded where the petitioner has substantially prevailed and where there are no special circumstances making the award unjust.</p>
<p>Washington <u>RCW 42.30.010 et seq.</u></p>	<p>The court may assess a civil penalty of \$100 against each member who attends a meeting knowing it was in violation of the law.</p>					<p>Any person may bring action to enforce.</p>	<p>Prevailing plaintiff may be awarded all costs, including reasonable attorneys' fees.</p>

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<p>West Virginia <u>W. Va. Code § 6-9A</u></p>		<p>Willful and knowing violation is a misdemeanor, punishable by fine of not more than \$500. For a second or subsequent offense, the fine is not less than \$100 or more than \$1,000.</p>	<p>Court can annul a decision made in violation of the law.</p> <p>The West Virginia Ethics Commission Committee on Open Governmental Meetings acts on requests for advisory opinions interpreting the law.</p>		<p>Attorney general is required to compile statutory and case law pertaining to the law and to prepare summaries and interpretations for the purpose of informing public officials of the law's requirements.</p> <p>The secretary of state and county and city clerks must provide a copy of the material compiled by the AG to all elected and appointed officials. They must also provide a copy to any newly appointed or elected person within 30 days.</p>	<p>Any citizen of the state.</p>	<p>A public agency may be liable to a prevailing party for fees and other expenses, unless the court finds that the position of the public agency was substantially justified or that special circumstances make an award of fees and other expenses unjust.</p>
<p>Wisconsin <u>Wis. Stat. § 19.81 et seq.</u></p>	<p>Any member who knowingly violates the law shall forfeit without reimbursement not less than \$25 or more than \$300 for each violation. Forfeiture goes to state or county.</p>		<p>Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable.</p>		<p>Attorney general or district attorney</p>	<p>If the district attorney refuses to commence an action within 20 days after receiving a complaint, the person making the complaint may bring an action on behalf of the state.</p>	<p>The prevailing party may receive actual and necessary costs of prosecution, including reasonable attorneys' fees.</p>
<p>Wyoming <u>Wyo. Stat. § 16-1-403</u></p>	<p>No.</p>	<p>Misdemeanor punishable by fine of not more than \$750.</p>					