



OFFICES OF THE

**ATTORNEY GENERAL OF MISSOURI**

**JEFFERSON CITY**

May 16, 1975

JOHN C. DANFORTH  
ATTORNEY GENERAL

OPINION LETTER NO. 4



Honorable Jerold L. Drake  
State Representative, 5th District  
c/o House Post Office  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Representative Drake:

This letter is in response to your request for an official opinion of this office, which request reads as follows:

"Do the requirements of the Open Meetings Law (Act 172, 77th General Assembly) apply to a meeting between a state licensing agency and a professional person licensed by that agency, and/or their respective legal counsel concerning possible suspension or surrender of the professional person's license?"

More specifically, you state you are inquiring of the situation which:

". . . occurs when a licensee is contacted by the licensing agency or its counsel to explain charges against the licensee which the licensing agency has received. The meeting can result in the surrender of a professional person's license without full evidentiary hearing."

It is our view that the meeting in question falls within the exemption of subsection 2 of Section 610.025, RSMo Supp. 1973, which provides:

Honorable Jerold L. Drake

"2. Any meeting, record or vote pertaining to legal actions, causes of action, or litigation involving a public governmental body, leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor may be a closed meeting, closed record, or closed vote."

In reaching this conclusion we take into consideration that it has long been the public policy of this state to encourage the disposition of such matters by private conference, discussion and negotiation. Such policy is reflected by the provisions of Section 536.060, RSMo, relating to administrative actions. Any other result would, in our view, virtually destroy the privacy to which the private litigants are entitled and as a result nullify the possibility of, and accordingly, the advantages of pre-trial disposition of litigation. We do not believe that an interpretation should be given to the statute which would have an unreasonable result. State ex rel. Spriggs v. Robinson, 161 S.W. 1169 (Mo. 1913).

We therefore regard such conferences as being within the exemption relating to legal actions and conclude that such conferences are not within the public meetings law. Such meetings may be open to the public if the parties so desire but are not public meetings.

Very truly yours,



JOHN C. DANFORTH  
Attorney General