



108 N. 11th Ave.,

Unit #1

October 13, 2016

To the Glastonbury Landowners Board of Directors

Sent via email

Dear Board:

You have asked me for a formal legal opinion regarding whether you can ban photography at your meetings. I have reviewed your governing documents and Montana law in order to answer your question. While you did not tell me the basis for the member's objection to the ban, I suspect it is the language contained in your bylaws that states that all director's meetings shall be "conducted in an open meeting." Article VI, Section F. If this is not correct, please contact me immediately.

Open meeting is not defined in your covenants. When applied to a Montana government agency or other government board/commission, open meeting has a very particular meaning. However, you are a non-profit corporation. Therefore, the government's open meeting laws do not apply to you. Therefore, per Article XII, Section A, the Board had the authority to interpret all of the provisions of the Bylaws. Based on what you have been doing: providing notice and holding open meetings that the public, in one way or another, can be present/hear the meetings, is a reasonable interpretation of open meeting. Photography is not mentioned in your covenants, nor is there a legal protect "right" to take photographs. Therefore, it seems clear that legally, you can ban photography.

Just for the sake of argument, even if open meetings did apply, you could ban photographs. Many government boards, agencies, courts and even the Montana Supreme Court bans photography in certain circumstances because the flash photography, camera and such are at best annoying and at worst, so interfering that the business at hand cannot be completed. Open meeting law simply requires that legal notice be given and the public is able to be present at the meeting. Taking a photograph is not a legal right. Therefore, the Board is free to ban photography.

I reviewed Montana law, and it is free of any statute, case law of Constitutional right that would protect a person's right to take a photograph. Therefore, I believe that you can continue the practice. My previous statements regarding Courts, and how anything can happen in a Court of still stands.

Sincerely,

Alanah Griffith