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R75-195

McDougal

August 25, 1975

Mr. Alfred J. Duncan, Executive Secretary
Arizona State Board of Pharmacy
1645 West Jefferson
Phoenix, Arizona 85007

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ARIZONA ATTORNEY GENERAL

RE: Applicability of the Open Meeting Act to
the Board of Pharmacy

Dear Mr. Duncan:

You have asked the following question concerning the applicability of Arizona's Open Meeting Act to the Board of Pharmacy:

Can the Board of Pharmacy meet in closed meeting, executive session, to discuss personnel problems?

Arizona's Open Meeting Act applies generally to the Board of Pharmacy. (See the enclosed opinion of this office dated August 19, 1975). Generally the Open Meeting Act requires that official business of the Board be conducted in open meetings, however, A.R.S. § 38-431.03 authorizes a governing body such as the Pharmacy Board to conduct closed meetings or executive sessions for specific purposes. That section provides in pertinent part that:

A. This article shall not be construed to prevent governing bodies, upon majority vote of the members constituting a quorum, from holding executive sessions for only the following purposes:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of a public officer, appointee or employee of any governing body, except that with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting.

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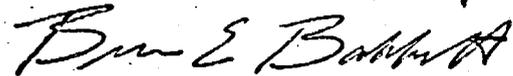
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B. Minutes of executive sessions shall be kept confidential except from members of the governing body which meet in executive session.

C. No executive session may be held for the purpose of taking any final action or making any final decision.

Accordingly, the Pharmacy Board may meet in executive session to discuss and consider the employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of a public officer, appointee or employee of the Board, provided that proper notice has been given as provided in A.R.S. § 38-431.02, adequate minutes are taken of the meeting as provided in A.R.S. § 38-431.01 and any final action or decision is made in an open meeting.

Sincerely,



BRUCE E. BABBITT
Attorney General

BEB:PMM:bat