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**23-OMD-119**

June 2, 2023

In re: Nathaniel Crenshaw/City of Richlawn

**Summary:** The City of Richlawn (“the City”) did not violate the Open Meetings Act (“the Act”) when it held a video teleconference meeting in compliance with KRS 61.826.

***Open Meetings Decision***

On May 16, 2023, in a written complaint submitted under KRS 61.846(1), Nathaniel Crenshaw (“Appellant”) alleged the City had violated the Act in connection with its video teleconference meeting on May 15, 2023. First, the Appellant claimed the meeting notice failed to “precisely identify a primary physical location” of the meeting in violation of KRS 61.826(2)(d). Second, he claimed the meeting notice failed to give “specific information on how [to] view the meeting electronically” in violation of KRS 61.826(2)(c). Finally, the Appellant claimed the City had violated KRS 61.826(4) by failing to suspend the video teleconference when “the audio stream throughout the meeting was garbled such that members of the public could not effectively observe nor participate in the meeting.” As a remedy for the alleged violations, the Appellant requested that the City void any action taken during the meeting.

In a timely response, the City asserted it had given adequate notice of the meeting location and the means for observing the meeting electronically. The City further stated the Mayor and City Commissioners were unaware of any problems with the video or audio stream during the meetings. Therefore, the City denied having violated the Act. This appeal followed.

On appeal, the City claims the meeting was not a video teleconference because the Mayor and Commissioners all met in person. The Act, however, defines “video teleconference” as “one (1) meeting, occurring in two (2) or more locations, where

*individuals* can see and hear each other by means of video and audio equipment.” KRS 61.805(5) (emphasis added). The use of the word “individuals,” rather than “members,” indicates that video teleconferences are not limited to meetings where members of the public agency participate remotely, but also include meetings where the general public may attend and participate remotely by video. *See* 20-OMD-040. Therefore, the City’s meeting on May 15, 2023, was subject to the provisions applicable to video teleconferences.

Under KRS 61.826(2)(d), “[i]n any case where the public agency has elected to provide a physical location, or in any circumstance where two (2) or more members of the public agency are attending a video teleconference meeting from the same physical location,” the meeting notice must “precisely identify a primary physical location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.” Here, the City’s notice identified the location as the “St. Matthews Fire Station” at the “Corner of Sears Ave. & Lyndon Way,” which is in the adjacent community of St. Matthews. The Appellant claims the City violated the Act by failing to provide a “street number.” However, nothing in the Act specifically requires the notice to include a street number. Rather, the notice need only “precisely identify” the physical location. The City asserts there is only one fire station located at the intersection of Sears Avenue and Lyndon Way in St. Matthews, which “is well known to all residents of the area.” Given these facts, the information provided in the notice precisely identified the primary physical location of the meeting. Accordingly, the City did not violate KRS 61.826(2)(d).

The notice of a video teleconference meeting must also “[p]rovide specific information on how any member of the public or media organization may view the meeting electronically.” KRS 61.826(2)(c). Here, the City issued an electronic notice that included a link to the City’s website, where an “online meeting link” could be found. A website link is sufficient to comply with KRS 61.826(2)(c). *See, e.g.*, 21-OMD-018. The Appellant does not allege the online meeting link did not exist or was difficult to find on the City’s website. Therefore, the City did not violate KRS 61.826(2)(c).

Finally, under KRS 61.826(4), “[a]ny interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.” In order to suspend the teleconference, however, the public agency must be aware of an interruption. In the City’s response to the complaint, the Mayor stated he was aware of only three residents who attended the meeting virtually, with two of whom he “conversed . . . directly via computer,” and the third of whom “only attended for a few minutes and did not ask any questions.” The Appellant is not one of the three residents known by the City to have attended the meeting virtually. Furthermore, the Appellant provides no evidence of “garbled” audio, beyond his mere allegation. More importantly, he

provides no evidence that the Mayor or City Commissioners were aware of any such audio problems. Accordingly, this Office cannot conclude that the City violated the Act by failing to suspend the video teleconference due to an interruption of the broadcast.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.846(4)(a). The Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to [OAGAppeals@ky.gov](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
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s/ James M. Herrick  
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Distributed to:

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