



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-135

May 22, 2025

In re: Olivia Tipton/Oldham County Board of Education

**Summary:** The Oldham County Board of Education (“the Board”) violated the Open Meetings Act (“the Act”) when it failed to issue a written response to a complaint within three business days. The Board also violated the Act when it failed to keep a written notice of a special meeting posted at the meeting site for the entirety of the meeting and when it held a portion of its meeting in a locked building.

### ***Open Meetings Decision***

In a written complaint dated March 13, 2025, Olivia Tipton (“the Appellant”) alleged the Board had violated the Act by failing to post a written notice of a special meeting held earlier that day, and by holding the meeting in a locked building “to deny entry” by the public. As a remedy for the alleged violations, the Appellant requested the Board acknowledge the violations and repeat, in a meeting open to the public, the matters presented at the special meeting. Having received no response to her complaint by May 10, 2025, the Appellant initiated this appeal.

Upon receiving a complaint alleging a violation of the Act, a “public agency shall determine within three (3) [business] days . . . after the receipt of the complaint whether to remedy the alleged violation pursuant to the complaint and shall notify in writing the person making the complaint, within the three (3) day period, of its decision.” KRS 61.846(1). Here, the Board admits receiving the Appellant’s complaint and does not claim to have responded within three business days. Accordingly, the Board violated the Act when it failed to respond to the Appellant’s complaint as required by KRS 61.846(1).

Under KRS 61.823(4)(c), prior to a special meeting, “[a]s soon as possible, written notice [shall] be posted in a conspicuous place in the building where the special meeting will take place.” This posting must occur “at least twenty-four (24) hours before the special meeting.” *Id.* Here, the Appellant alleges the Board did not post a notice in accordance with KRS 61.823(4)(c). In its response to this appeal, the

Board claims it posted a notice of the special meeting on the front door of the Central Office building, where the meeting was held, at 3:30 p.m. on March 12, 2025.<sup>1</sup> According to the Board's minutes, the meeting was called to order at 4:45 p.m. on March 13, 2025, and adjourned at 6:32 p.m. For her part, the Appellant has provided two photographs of the front door, taken during the meeting, which show no notice posted on the door.<sup>2</sup> Thus, even if the Board posted a notice of the special meeting more than 24 hours before the meeting began, it did not remain posted for the duration of the meeting.

While KRS 61.823(4)(c) provides a deadline for when a notice of a special meeting must be posted, it does not specify how long the notice must remain posted. However, "[t]he express purpose of the Open Meetings Act is to maximize notice of public meetings and actions." *Floyd Cnty. Bd. of Educ. v. Ratliff*, 955 S.W.2d 921, 923 (Ky. 1997). Because members of the public may arrive to attend a portion of a meeting at any time before it is adjourned, it is reasonable to conclude that the Act requires a special meeting notice to remain posted throughout the duration of the meeting, so that persons arriving during the meeting can still read the information presented in the notice.<sup>3</sup> Simply put, the public does not cease to be entitled to notice of a special meeting until the meeting has ended. Here, the record before the Office indicates the notice was not still posted on the door when the Appellant arrived at the meeting site,<sup>4</sup> while the meeting was still in progress. Thus, the Board violated the Act.

Finally, under KRS 61.810(1), "[a]ll meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times," with certain specified exceptions. A public agency violates this provision when it excludes the public by locking the doors of the meeting location. *See, e.g.*, 17-OMD-069; 03-OMD-169. Here, the Board explains it did not expect the meeting to last beyond 5:15 p.m., and therefore programmed the doors to be unlocked from 4:30 p.m. to 5:15 p.m., after which time they locked automatically. Although the Board did not intentionally exclude the public from its meeting, it admits that the automatic locking of the doors had that effect. KRS 61.810(1) requires "that the public have access to the place where the meeting is being held, not only at the scheduled time for the meeting to begin but during the meeting so that persons who wish to attend only portions of the meeting

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<sup>1</sup> The Board also provides some evidence that it posted a notice of the special meeting on its website at 4:25 p.m. on March 12, 2025. However, posting on a website does not satisfy KRS 61.823(4)(c).

<sup>2</sup> The Appellant has provided the time stamp information for the photographs, which indicates the pictures were taken at 6:04 p.m. and 6:12 p.m. on March 13, 2025.

<sup>3</sup> "The notice shall consist of the date, time, and place of the special meeting and the agenda." KRS 61.823(3).

<sup>4</sup> The Appellant does not claim that the Board failed to provide sufficient notice such that she was unaware of the March 13, 2025, special meeting. In fact, she knew when and where the meeting was to take place. Rather, her sole complaint related to the notice is that it was not still posted when she arrived at the meeting location.

may do so.” 03-OMD-169. Excluding members of the public during a portion of a meeting is a violation of the Act even when it occurs “unintentionally.” *Id.* Therefore, the Board violated the Act when it held a portion of its meeting in a locked building.

A party aggrieved by this decision may appeal it by initiating an 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).

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
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