



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-158

June 17, 2025

In re: Sarah Little/Oldham County Fiscal Court Economic Development Committee

Summary: The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the Oldham County Fiscal Court Economic Development Committee (“the Committee”) violated the Open Meetings Act (“the Act”) because the complaint was not first submitted to the presiding officer of the public agency accused of violating the Act.

Open Meetings Decision

In a written complaint submitted to the Oldham County Judge/Executive on May 28, 2025, Sarah Little (“Appellant”) alleged the Committee violated the Act when its three members attended a May 22, 2025, meeting to allegedly discuss “a Data Center proposed by Western Hospitality Partners.” The Appellant further alleges the Committee violated the Act during a trip to Virginia during which she alleges “information was gathered about data centers and how the proposal may translate to Oldham County.” In response, the County Judge/Executive explained that he is not a member of the Committee and that a complaint about a meeting of the Committee should be directed to its presiding officer.¹ This appeal followed.

As an initial matter, the Office must be assured of its jurisdiction before it may render a decision under KRS 61.846(2). A complainant’s request for the Attorney General to review an agency’s denial of a complaint submitted under the Act is a statutory proceeding created by the General Assembly as an act of legislative grace. As such, a complainant must strictly comply with KRS 61.846 before invoking the Attorney General’s jurisdiction to review the complaint. *See, e.g.,* 25-OMD-004; 24-OMD-200; 24-OMD-133; 22-OMD-177.

¹ The County Judge/Executive also stated that the May 22 meeting was an “informational meeting” and that the Committee “did not conduct Committee business.”

To invoke the Attorney General's review under KRS 61.846(2), a complainant "shall begin enforcement" under subsection (1) of the statute. KRS 61.846(1). That provision requires the complainant to "submit a written complaint to the presiding officer of the public agency suspected of" violating the Act. *Id.* Accordingly, to begin enforcement, the complaint may not be submitted to just any person connected to the public agency; rather, the complaint must be sent to the agency's "presiding officer." For example, in 22-OMD-177, the Office dismissed a complaint alleging a school-based decision making council in Jefferson County had violated the Act because the complainant submitted his complaint to the Superintendent and general counsel of the board of education and not the council's presiding officer.

Similarly, here, the Appellant says she submitted her complaint to the Oldham County Judge/Executive, not to the "presiding officer" of the Committee. The County Judge/Executive is not the presiding officer of the Committee.² Because the Appellant submitted her complaint to the County Judge/Executive, she did not comply with KRS 61.846(1), which required her to submit her complaint to the presiding officer before initiating this appeal. Accordingly, the Office lacks jurisdiction under KRS 61.846(2), and therefore, dismisses this appeal.³

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.

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

² The fiscal court's website states that the Committee's presiding officer is Magistrate Wayne Theiss. See Oldham County Fiscal Court, *available at* <https://www.oldhamcountky.gov/fiscalcourt> (last visited June 9, 2025).

³ The Office notes its decision in 25-OMD-157 addressed most of the allegations raised by the Appellant. There, the Office held it cannot resolve the factual dispute regarding what occurred at the May 22, 2025, meeting.

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Distributed to:

Ms. Sarah Little

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Hon. David Voegele

Mr. Wayne Theiss