



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-162

June 24, 2025

In re: Christy Shannon/London-Laurel County 911 Communications Center Board

Summary: The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the London-Laurel County 911 Communications Center Board (“the Board”) violated the Open Meetings Act (“the Act”) because the complaint was not first submitted to the Board’s presiding officer.

Open Meetings Decision

In a complaint submitted to the London City Attorney on May 28, 2025, Christy Shannon (“Appellant”) alleged the Board violated the Act when it took a vote without a quorum present at its meeting on May 27, 2025. The Appellant further alleged the Board had violated provisions in its bylaws relating to appointments to the Board. Specifically, the Appellant argues that members of the Board were required to be approved by the Laurel Fiscal Court and the London City Council but had not been approved by their respective appointing body. In response, the London City Attorney agreed that the Board had taken a vote without a quorum and “all actions taken” at the meeting “will have to be taken up again by a duly constituted quorum.” However, the London City Attorney disagreed with the Appellant regarding which members of the Board had not been properly appointed. 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.

To invoke the Attorney General’s jurisdiction to review a complaint under KRS 61.846(2), a complainant “shall begin enforcement” under 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.* (emphasis added). Accordingly, to begin enforcement, the complaint may not be submitted to just any person associated with the public agency; rather, the complaint must be sent to the agency’s “presiding officer.” In 22-OMD-177, the Office dismissed a complaint alleging a Jefferson County public school’s Site-Based Decision Making Council had violated the Act because the complainant failed to submit his complaint to the council’s presiding officer. Rather, he submitted his complaint to the Superintendent of the Jefferson County Public Schools and the school district’s general counsel.

Similarly, here, the Appellant submitted her complaint to the London City Attorney, not to the Board’s presiding officer. The London City Attorney is not the presiding officer. Because the Appellant submitted her complaint to the London City Attorney and not the Board’s presiding officer, she did not comply with KRS 61.846(1) before initiating this appeal. *See* 24-OMD-200 (finding the Office lacked jurisdiction because the Appellant had submitted her complaint to the agency’s private counsel). Accordingly, the Office lacks jurisdiction under KRS 61.846(2) and therefore dismisses this appeal.¹

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.

¹ The Office notes that the London City Attorney admitted the Board took a vote without a quorum present and would be taking up again all the actions previously taken at the May 27, 2025, meeting. The only remaining dispute between the parties is which members of the Board had not been properly appointed under the interlocal agreement between the City of London and Laurel County. However, the scope of the Office’s review is set out in KRS 61.846(2), which states that a decision issued by the Office shall “state[] whether the agency violated the provision of KRS 61.805 to 61.850.” *Id.* Adhering to this statutory limitation, the Office has historically declined to determine whether an agency violated statutory provisions outside of the Act. *See, e.g.*, 02-OMD-22 (declining to determine whether a university’s board of regents complied with its own bylaws); 95-OMD-99 (finding the Office “cannot decide whether other statutes and various local procedures and regulations have been violated”). Similarly, here, the interpretation of the interlocal agreement creating the Board is beyond the scope of the Office’s review under the Act.

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Attorney General

/s/ Zachary M. Zimmerer
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Distributed to:

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