



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

25-OMD-212

August 6, 2025

In re: Grant Barnett/Spencer County Fiscal Court

**Summary:** The Office cannot find that the Spencer County Fiscal Court (“the Fiscal Court”) violated the Open Meetings Act (“the Act”) when there is no evidence it discussed an improper subject in closed session.

### *Open Meetings Decision*

On July 10, 2025, in a written complaint submitted under KRS 61.846(1), Grant Barnett (“the Appellant”) alleged the Fiscal Court had violated the Act at its July 7, 2025, meeting. Specifically, he claimed the Fiscal Court had illegally “voted to go into a closed or executive session to discuss Edmondson Rd.,” which he described as “a public matter that has no current litigation.” As a remedy for the alleged violation, the Appellant requested the Fiscal Court discuss the matter in public at a future meeting, “release the executive meeting minutes,” and declare any action taken in closed session null and void. In a timely response on behalf of the Fiscal Court, the Spencer County Judge/Executive denied the allegation that Edmondson Road was discussed in a “secret meeting” and stated his office was “in the process of getting together the disinterested parties necessary to form an opinion on Edmon[d]son Road, as was approved by court at the 6-16-25 meeting.” He further stated, “Once the group is formed and notice requirements are met, they will do their job and later present to the court before any decision is made.” This appeal followed.

On appeal, the Appellant claims the Fiscal Court “discussed general personnel matters” in secret at the July 7, 2025, meeting in violation of KRS 61.810(1)(f).<sup>1</sup> Thus, he attempts to assert a different violation from the one he alleged in his complaint. It is necessary to observe that administrative proceedings are statutory in nature and therefore require strict compliance with the enabling statutes. *See, e.g., Kenton Cnty. Bd. of Adjustment v. Meitzen*, 607 S.W.3d 586, 594 (Ky. 2020). Thus, an appeal under

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<sup>1</sup> KRS 61.810(1)(f) authorizes closed “[d]iscussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student,” but “shall not be interpreted to permit discussion of general personnel matters in secret.”

the Act requires a person to comply strictly with KRS 61.846. *See, e.g., 22-OMD-177.* Under KRS 61.846(1), a person seeking to enforce the Act through the administrative process “shall begin enforcement under this subsection before proceeding to enforcement under subsection (2) of this section.” That is, before seeking review by the Attorney General, a person must comply with the procedures in KRS 61.846(1). That subsection requires the person to “submit a written complaint [that] shall *state the circumstances which constitute an alleged violation of*” the Act and allow the public agency to respond. KRS 61.846(2) (emphasis added). Accordingly, an allegation that was not included in the written complaint is not ripe for review by the Attorney General. *See, e.g., 20-OMD-072 n.4; 11-OMD-018 n.2; 08-OMD-009.* Therefore, the Office cannot consider the Appellant’s new allegation that the Fiscal Court discussed “general personnel matters” in closed session.

As for the Appellant’s allegation that the Fiscal Court improperly discussed “Edmondson Road” in its closed session, some background information is in order. The minutes of the Fiscal Court’s meeting on June 16, 2025, reflect that the Appellant complained at that meeting about the use of Edmondson Road mainly “as a place for people to do drugs and dump stolen cars [and] trash” and proposed that it should “no longer [be] a County maintained road.” The minutes further reflect that “discussion ensued regarding [the] closing of Edmondson Road” and that the Fiscal Court voted “to ask the County Road Foreman and 2 disinterested people to look at Edmondson Road and come back to the next Fiscal Court meeting and discuss this item further.”<sup>2</sup>

At the next meeting, on July 7, 2025, the video record reflects that the County Judge/Executive made the following statement: “Pay rates and Edmondson Road discussion, uh, uh, I don’t—I want to discuss those in executive session.”<sup>3</sup> Thus, there is some evidence that a closed discussion of the Edmondson Road topic was *suggested* by the Judge/Executive. Under the Act, “[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,” unless an exception is provided by law. KRS 61.810(1). The Act does not contain an exception specifically applicable to road maintenance or closures. Therefore, if the Fiscal Court discussed the road issue in closed session, it would have violated the Act.

However, when a motion was made to enter closed session, there was no indication that the removal of Edmondson Road from the county road system would be one of the topics discussed: “If there’s nothing else to come before this meeting, I make a motion that we go into executive session per KRS 61.810(b) [*sic*], which—it

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<sup>2</sup> The June 16, 2025, minutes are found at

<https://webgen1files1.revize.com/spencercntyky/6.16.25%20Recorded%20Mins.pdf> (last accessed July 29, 2025). As of July 29, 2025, those are the most recent minutes posted on the Fiscal Court’s website at [https://www.spencercountyky.gov/nav/meeting\\_minutes.php](https://www.spencercountyky.gov/nav/meeting_minutes.php).

<sup>3</sup> *See* <https://www.youtube.com/watch?v=nNJS4T9Ogg>, at 1:24:17 (last accessed July 29, 2025).

talks about future acquisition and sale of real estate, and also (c), which discusses pending litigation on behalf of the agency, and also (f), discussions or hearings that might lead to appointment, discipline, or dismissal of an employee.”<sup>4</sup> Furthermore, in its response to the Appellant’s complaint, the Fiscal Court denied that the Edmondson Road matter was discussed in closed session.<sup>5</sup> Thus, there is no evidence that an *actual* closed discussion of the road issue took place. The Office cannot conclude, based on a bare allegation, that a public agency discussed a particular subject in closed session. *See, e.g.*, 05-OMD-017; 04-OMD-179. Accordingly, the Office cannot find that the Fiscal Court violated the Act as alleged in the Appellant’s complaint.<sup>6</sup>

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 e-mailed to OAGAppeals@ky.gov.

**Russell Coleman**  
**Attorney General**

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

Mr. Grant Barnett  
Corey M. Thomas, Esq.  
Hon. Scott Travis

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<sup>4</sup> See <https://www.youtube.com/watch?v=nNJS4T9Ogg> , at 1:53:01 (last accessed July 24, 2025).

<sup>5</sup> In response to this appeal, the Fiscal Court has provided a document titled “Post-Executive Session Minutes” for July 7, 2025, which shows a “Motion to enter Executive Session pursuant to KRS 61.810(b) [*sic*], (c) and (f)” as reflected in the video record.

<sup>6</sup> On appeal, the Fiscal Court asserts the “Appellant attended the July 21, 2025, regular meeting [and] was afforded another opportunity to state his opinions on the discontinuance of the road,” but “no formal action was taken” on the matter at that meeting.