



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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25-OMD-223

August 20, 2025

In re: Leslie Foley/London City Council

Summary: The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the London City Council (“the Council”) 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 complaint submitted to the London City Clerk on August 4, 2025, Leslie Foley (“Appellant”) alleged the Council violated the Act when three of its members allegedly conducted a meeting that was not open to the public. In response, the City Clerk advised that misconduct complaints could be directed to the Office of the Attorney General. This appeal followed.¹

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*

¹ After her initial response, City Clerk stated she needed to consult with the City Attorney, and the Appellant stated she had already submitted her appeal.

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 had 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 states that he submitted his complaint to the City Clerk, not to the “presiding officer” of the Council. The City Clerk is not the presiding officer at the Council’s meetings. Rather, “[t]he mayor shall preside at meetings of the council.” KRS 83A.130(5); *see also* 25-OMD-004 (dismissing an appeal because the appellant had submitted his complaint to the city clerk instead of the presiding officer of the city council). Because the Appellant’s original complaint was submitted to the City Clerk and not the Council’s presiding officer, he did not comply with KRS 61.846(1). Accordingly, the Office lacks jurisdiction under KRS 61.846(2), and therefore, dismisses this appeal.

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

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Distributed to:

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