



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-316

October 16, 2025

In re: Gretchen Stephenson/Park Hills City Council

Summary: The Park Hills City Council (“the Council”) did not violate the Open Meetings Act (“the Act”) when it allegedly took action without a quorum present. The Office lacks jurisdiction to determine whether the Council complied with provisions of law other than the Act, such as a statute requiring the presence of a quorum to take action.

Open Meetings Decision

On September 30, 2025, Gretchen Stephenson (“the Appellant”) submitted a complaint to the presiding officer and members of the Council, alleging the Council violated KRS 61.810(1) and KRS 83A.060(6) at a special meeting on September 29, 2025, by considering and passing a resolution in the absence of a quorum. As a remedy for the alleged violation, the Appellant proposed that the Council acknowledge a violation and void the action taken. In a timely response, the Council denied having violated the Act. This appeal followed.

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 exceptions. Because KRS 61.810(1) limits the application of the Act to “meetings of a quorum of the members,” the Act does not apply to meetings where a quorum is not present. *See, e.g.*, 10-OMD-210. Thus, in the absence of a quorum, the Council cannot violate the Act.¹ *See, e.g.*, 13-OMD-142.

Further, the Appellant does not claim the Council’s meeting was not “open to the public at all times” within the meaning of KRS 61.810(1). Thus, her complaint does not allege a violation of KRS 61.810(1). Rather, the Appellant cites

¹ The Council, for its part, asserts that a quorum was present at the time of the alleged action. However, because the Appellant’s complaint does not allege a violation of the Act, as discussed below, it is unnecessary to decide whether a quorum was present.

KRS 83A.060(6), which states, “Unless otherwise provided by statute, a majority of a legislative body shall constitute a quorum and a vote of a majority of a quorum shall be sufficient to take action.” However, the Office’s role in adjudicating a dispute arising under the Act is to determine “whether the agency violated the provisions of KRS 61.805 to 61.850.” KRS 61.846(2). Issues not arising under the Act cannot be addressed in an open meetings appeal. *See, e.g.*, 21-OMD-086. Because no provision of the Act prohibits a public agency from taking action in the absence of a quorum and KRS 83A.060 is not a part of the Act, the Office lacks jurisdiction to consider the Appellant’s allegation.

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
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/s/ James M. Herrick
James M. Herrick
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Distribution:

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