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25-OMD-353

November 10, 2025

In re: Dan Holman/Georgetown Municipal Water and Sewer Service

Summary: The Board of Commissioners of the Georgetown Municipal Water and Sewer Service (“the Board”) cannot be found to have violated the Open Meetings Act (“the Act”) where there is no evidence the Board discussed public business or took any action while remaining in a locked room after a public meeting was adjourned.

Open Meetings Decision

On October 20, 2025, in a written complaint submitted under KRS 61.846(1), Dan Holman (“the Appellant”) alleged the Board had violated the Act at its meeting on October 7, 2025. Specifically, he claimed, “[a]fter the meeting was adjourned, [B]oard members remained in the room after the public had left and stayed there together with the door locked for a noteworthy period of time[,] sitting in their chairs in formal meeting fashion.” As a remedy for the proposed violation, the Appellant requested that the Board provide answers to a series of questions, including what took place in the room, whether any record was made during that time, and “why a board of commissioners is needed.” In a timely response to the complaint, the Board denied violating the Act but acknowledged that “the doors to the meeting room were inadvertently locked before Board Members exited the building.” The Board stated “no actions were taken” during that time. 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,” subject to certain exceptions. The Board does not claim it was conducting an authorized closed session, but states the doors were “inadvertently” locked prematurely after adjournment. Further, the Board specifically denied taking any action while the public was excluded from the room. Therefore, the remaining question is whether the Board discussed “public business” in the locked room within the meaning of the Act.

“Public business” under KRS 61.810(1) is “the discussion of the various alternatives to a given issue about which the board has the option to take action.” *Yeoman v. Commonwealth, Health Policy Bd.*, 983 S.W.2d 459, 474 (Ky. 1998). As the Appellant points out, the Board’s initial response to his complaint did not specifically deny that the Board discussed public business in a private setting. However, the Appellant admitted in his complaint that he does not know whether the Board discussed public business or merely “engaged in more small group ‘mingling’ conversation.” “An allegation that public business was conducted or discussed, standing alone, is not evidence that such action or discussions did occur, especially when denied by the public agency.” 25-OMD-157.

On appeal, the Board provides a summary of the recollections of those present regarding the conversations that occurred after adjournment between different Board members or between members and staff. According to this summary, in no instance did a quorum of the membership discuss any item of public business.¹ Thus, as there is no evidence the Board conducted an unlawful closed meeting within the meaning of KRS 61.810(1), the Board cannot be found to have violated the Act.

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:

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¹ The Board further states it has issued guidance on the Act to its members, as well as an “advisory memorandum” that states the doors should not have been locked and “[c]onversations between Board Members should not continue after adjournment of an open meeting.”