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25-OMD-368

November 20, 2025

In re: Ever Carroll/Little Kentucky River Watershed Conservatory Board

Summary: The Little Kentucky River Watershed Conservatory Board (“the Board”) did not violate the Open Meetings Act (“the Act”) by discussing public business or taking action outside of its public meetings, or when it did not provide a public comment period at its meeting.

Open Meetings Decision

On August 28, 2025, Ever Carroll (“Appellant”) submitted a complaint to the Board alleging it violated the Act at its August 28, 2025, special meeting by (1) discussing action outside of its open session, (2) taking action without sufficient deliberation, (3) not allowing public comment, and (4) not stating the reason for a Board member’s recusal. On September 3, 2025, the Board denied violating the Act and explained that it had not deliberated regarding any action outside its August 28 meeting,¹ stated that it was not required to allow public comment at its meetings, and denied the existence of a conflict of interest or that such a conflict would amount to a violation of the Act. On October 29, 2025, 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. As proof of his claim that the Board discussed and selected the winning bid outside of a public meeting, the Appellant points to the minimal discussion occurring prior to the Board’s vote. He also references “eyewitness reports”² that he received regarding discussion by Board members on August 18, 2025. For its part,

¹ The Board also explains the meeting concerned the evaluation of bids to lease and operate a particular park and campground. The Appellant submitted a bid that was not successful.

² The Appellant has not provided the Office with copies of the “eyewitness reports.”

the Board denies ever discussing the lease bids outside of its public meetings and provides an affidavit stating as much. “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.

Here, the record before the Office contains no evidence that the Board discussed or conducted public business outside of its public meetings. Accordingly, the Office cannot find that the Board violated KRS 61.810(1).

The Appellant also complains that the Board did not allow public comment at its August 28 meeting. The purpose of the Act “is that the formation of public policy is public business and shall not be conducted in secret.” KRS 61.800. Accordingly, all discussions of public business by a quorum of a public agency must occur at a meeting that is open to the public, KRS 61.810, and no condition of attendance can be implemented to deny the public’s access to the meeting, KRS 61.840. However, while the public has a right to attend any public meeting, the Act does not give any member of the public a right to be heard by the public agency. *See, e.g.*, 19-OMD-135; 00-OMD-169; 95-OMD-99. Here, the Appellant complains that the Board departed from its normal practice of allowing public comment at its August 28 meeting. But even if true, because the Act does not require an agency to allow public comment at its meetings, the Board did not violate the Act when it did not allow the Appellant to speak at its August 28 meeting.

Finally, the Appellant raises a series of allegations related to the Board’s specific action taken at its August 28 meeting. Specifically, he asserts that the Board failed to obtain clarifying information from bidders, did not provide rubrics for potential bidders, and did not identify the reason for one Board member’s recusal. However, even if true, none of allegations involve violations of the Act. The scope of the Office’s review of an appeal brought under the Act is set out in KRS 61.846(2). The Office must review a complaint and denial submitted to the Office and issue a written decision. *Id.* A decision issued by the Office shall “state[] whether the agency violated the provisions 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.*, 20-OMD-126 n.1 (finding the “Office is only authorized to determine whether the [Agency] complied with the Act”); 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”).

Here, the Appellant's remaining allegations do not allege violations of any provision of the Act. Therefore, the Office cannot make any finding regarding those allegations.

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
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Distributed to:

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