



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-399

December 11, 2025

In re: Gay Adelman/Education Professional Standards Board

**Summary:** The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the Education Professional Standards Board (“the Board”) 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 and did not propose remedies for the alleged violation.

### *Open Meetings Decision*

On September 22, 2025, Gay Adelman (“Appellant”) submitted a complaint to the Commissioner of Education regarding an administrative hearing conducted by the Board. The complaint alleged that the Board had violated the Act by (1) requiring the Appellant to sign in to enter the building in which the meeting was held, in violation of KRS 61.840, and (2) not allowing her to record the hearing. The Appellant also complained that she was called to testify during that proceeding and about the issuance of a summons. In response, the Board denied violating the Act because administrative hearings are not public meetings subject to the Act. This appeal followed.

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 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 officer of the public agency suspected of" violating the Act. *Id.* 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.

Here, the Appellant alleged a violation of the Act by the Board, but she submitted her complaint to the Commissioner of Education. The Board explains that the Commissioner is not the Board's presiding officer. Thus, because the Appellant did not submit her complaint to the Board's presiding officer, she did not comply with KRS 61.846(1). Therefore, the Office lacks jurisdiction under KRS 61.846(2), and must dismiss this appeal.<sup>1</sup>

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](mailto:OAGAppeals@ky.gov).

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

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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<sup>1</sup> Although the Appellant has not successfully invoked the Office's jurisdiction here, the Office notes that the Kentucky Court of Appeals, in an unpublished decision, has held that administrative hearings of public agencies, like the one identified by the Appellant, are not public meetings subject to the Act. *See Jenkins v. Ky. Ret. Sys.*, No. 2018-CA-000395-MR, 2019 WL 4565240, at \*6 (Ky. App. Sept. 20, 2019) (finding that the agency's decision to close a hearing to the public did not violate the Act because the Act "applies only to 'meetings of a quorum of the members of any public agency'" and "the administrative hearing did not involve a quorum of the members of" the agency). Accordingly, even if the Appellant had successfully invoked the Office's jurisdiction, the Office would have to find that the administrative hearing in question was not a public meeting subject to the Act.

#682

Distributed to:

Gay Adelmann

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