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OFFICE OF THE ATTORNEY GENERAL

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25-OMD-417

December 23, 2025

In re: Glenda Wright/Owensboro Human Rights Commission

**Summary:** The Owensboro Human Rights Commission (“the Commission”) did not violate the Open Meetings Act (“the Act”) when it cancelled a special meeting that has not been properly noticed. The Office cannot resolve the factual dispute between the parties regarding whether the Appellant’s emails were properly construed as not being complaints under the Act. The Office lacks jurisdiction to consider claims regarding the Commission’s bylaws or the Appellant’s new claims raised on appeal.

***Open Meetings Decision***

On December 3, 2025, in a written complaint submitted under KRS 61.846(1), Owensboro Human Rights Commissioner Glenda Wright (“the Appellant”) alleged that the Commission had violated the Act because its notice regarding its December 4, 2025, meeting did not comply with KRS 61.823(4)(c). The next day, the Commission responded to the Appellant, agreeing that it had not complied with KRS 61.823(4)(c) and canceling the “improperly noticed meeting.” This appeal followed.

There are two types of meetings under the Act, regular meetings and special meetings. Under KRS 61.820(2), a public agency “shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means may be required for the conduct of business of that public agency.” A meeting that was not previously scheduled under KRS 61.820(2) is a “special meeting,” and it is subject to additional notice requirements. KRS 61.823. Notice of a special meeting must be issued at least 24 hours in advance, and such notice must include a copy of the agenda because “[d]iscussions and action at the meeting shall be limited to items listed on the agenda in the notice.” KRS 61.823(3). The written notice of the special meeting “shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency. The notice shall be calculated so that it shall be posted at least twenty-four (24) hours before the special meeting.” KRS 61.823(4)(c).

Here, the Commission does not dispute that it did not post the required notice in the building where its special meeting was to be held. However, the Commission explains that, because of that failure, it cancelled the special meeting rather than holding an improperly noticed meeting. KRS 61.823(1) states that “special meetings shall be held in accordance with the provisions of subsections (2), (3), and (4).” Here, no special meeting was held by the Commission. Therefore, the Commission could not have violated the notice requirements applicable to special meetings. As such, the Commission did not violate KRS 61.823(4)(c) by failing to provide proper notice.

The remaining portions of the Appellant’s appeal have to do with emails exchanged between her and other members of the Commission on November 11 and 25, 2025. In the November 11 emails, the Appellant expressed concern regarding the Commission’s decision not to hold a regular meeting in December. In the email exchange, the Appellant expressed her view that the meeting should be held and voiced concern that the meeting’s cancellation may violate the Commission’s bylaws. In the November 25 emails, the Appellant expressed concerns regarding the hiring of a new Commission employee and her preference to conduct an open job search. Once again, she expressed concern that the Commission may not be following its bylaws.

Upon receiving a complaint alleging a violation of the Act, a “public agency shall determine within three (3) business days . . . after the receipt of the complaint whether to remedy the alleged violation pursuant to the complaint and shall notify in writing the person making the complaint, within the three (3) day period, of its decision.” KRS 61.846(1).

On appeal, the Appellant characterizes her emails as complaints under the Act requiring a written response from the Commission, which she did not receive. In response, the Commission explains that it did not construe any of the Appellant’s emails on November 11 or 25 as complaints under the Act. Specifically, it explains that the Appellant “raises concerns with the meeting to be scheduled, but none of these concerns asserts actual violations that have taken place but rather [a] violation that could occur in the future.”<sup>1</sup> Thus, the Commission maintains that the Appellant’s emails were not complaints under the Act and it had “no obligation to provide a written response” under KRS 61.846(1).

Ultimately, the parties disagree regarding whether the Appellant’s November 11 and 25 emails were, in fact, submitted as complaints under the Act. The Office has consistently stated that it cannot resolve competing factual claims presented to it. *See, e.g.*, 25-OMD-110 (finding the Office could not resolve a factual dispute regarding alleged violations of KRS 61.810(2)); 23-OMD-103 (same). As such, the Office cannot

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<sup>1</sup> The Office notes that only the Appellant’s December 3 complaint was contemporaneously referred to as a complaint under the Act by the Appellant.

determine whether the Appellant's emails were submitted as complaints under the Act and cannot find that the Commission violated the Act by not responding to them.

Regarding the merits of her complaints, to the extent the Appellant's additional claims are based on alleged violations of the Commission's bylaws, such violations cannot be resolved by the Office in the context of an appeal under KRS 61.846(2). The Act authorizes the Office to render a decision "stat[ing] whether the agency violated the provisions of KRS 61.805 to 61.850." KRS 61.846(2). Adhering to that statutory limitation, the Office has historically declined to determine whether an agency violated its own bylaws. *See, e.g.*, 02-OMD-22 (declining to determine whether a university's board of regents complied with its own bylaws).

Finally, the Appellant, in her appeal letter, raises new claims against the Commission. Referring to a statement made by one Commission member responding to one of her November 25 emails, the Appellant alleges the Commission's "Executive Committee" held a meeting that was not open to the public, violating KRS 61.810(1). However, this was not alleged to be a violation in the Appellant's original emails.

An appeal under the Act requires a person to strictly comply with KRS 61.846. *See, e.g.*, 22-OMD-177. Under KRS 61.846(1), a person seeking to enforce the Act through the administrative process "shall begin enforcement under this subsection before proceeding to enforcement under subsection (2) of this section." That is, before seeking review by the Attorney General, a person must follow the procedures in KRS 61.846(1). That subsection requires the person to "submit a written complaint [that] shall state the circumstances which constitute an alleged violation of" the Act and allow the public agency to respond. KRS 61.846(2). Accordingly, an allegation that was not included in the written complaint is not ripe for review by the Attorney General. *See, e.g.*, 25-OMD-212; 20-OMD-072 n.4; 11-OMD-018 n.2; 08-OMD-009. Therefore, the Office cannot consider the Appellant's new allegation that the Commission held a meeting not open to the public in violation of KRS 61.810(1).<sup>2</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.

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<sup>2</sup> In response to this new allegation, the Commission explains that the meeting about which the Appellant complains was a telephone discussion about scheduling a future meeting of the Commission. The Office notes that it has previously stated that discussions about when to schedule a meeting are not discussions of "public business" that must occur at a public meeting under KRS 61.810(1). *See, e.g.*, 23-OMD-266; 21-OMD-086 n.1; 20-OMD-072; 13-OMD-086; 00-OMD-171.

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Distributed to:

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