



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-OMD-009

January 13, 2026

In re: Nikole Gieske/Fayette County Board of Education

Summary: The Fayette County Board of Education (“the Board”) did not violate the Open Meetings Act (“the Act”) when its notice clearly stated its meeting would be a video teleconference. However, the Board violated the Act when a member was not visible on camera at all times business was being discussed, as required by KRS 61.826(3), and it did not suspend the video teleconference until the broadcast was restored, as required by KRS 61.826(4).

Open Meetings Decision

Nikole Gieske (“Appellant”) submitted a complaint to the presiding officer of the Board, claiming its December 18, 2025, meeting violated the Act in three ways: (1) “The notice did not clearly state that the meeting would be a video teleconference as required by KRS 61.826(2)(b)”; (2) A specific board member “was not visible on camera at all times that business was being discussed in violation of KRS 61.826(3)”; and (3) “At multiple times during the meeting, a specific board member’s video and audio broadcast was interrupted due to a technical issue and the video teleconference was not suspended until the broadcast was restored in violation of KRS 61.826(4).” As a remedy for the alleged violations, the Appellant requested that the Board repeat discussions at a future meeting, void any action taken at the December 18 meeting, and receive training on the provisions of the Act. In response, the Board denied having violated the Act. This appeal followed.

First, under KRS 61.826(2)(b), a notice for any meeting conducted by video teleconference must “[c]learly state that the meeting will be a video teleconference.” Here, the Appellant asserted that “[t]he notice did not clearly state that the meeting

would be a video teleconference as required by KRS 61.826(2)(b).” As proof, the Appellant provides a “December 18 Agenda which does not state that the meeting will be a video teleconference.”

Conversely, both initially and on appeal, the Board denies the Appellant’s assertion that it did not identify the meeting as a teleconference as required under the Act. As proof, the Board provides a copy of the Board’s notice for the December 18 meeting, which has “NOTICE OF VIDEO TELECONFERENCE MEETING” printed at the top. KRS 61.826(2) concerns the requirements for a “[n]otice of a video teleconference meeting,” not for a meeting agenda. The Appellant’s submitted proof is a copy of the Board’s December 18 meeting *agenda*, not the meeting *notice* provided by the Board. The Board’s meeting notice clearly stated the meeting would be a teleconference meeting. Accordingly, the Office is unable to find that the Board’s December 18 meeting notice violated the Act.

The Appellant also claims a specific board member “was not visible on camera at all times that business was being discussed in violation of KRS 61.826(3)” and, “[a]t multiple times during the meeting,” the member’s “video and audio broadcast was interrupted due to a technical issue and the video teleconference was not suspended until the broadcast was restored in violation of KRS 61.826(4).” Under KRS 61.826(3), “[m]embers of the public agency who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.” Under KRS 61.826(4), “[a]ny interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.” In response, the Board states the board member “[e]xperienced connectivity problems for two brief periods (each less than a minute) during a nearly fifteen minute board member discussion about the Rise STEM Academy and George Washington Carver Academy during the action items segment of the board’s agenda.” The Board further explains that the member “was visible and audible for the vast majority of the board members’ discussion.”

Here, the Board admits that a member experienced “connectivity problems” during a business discussion, which caused a video interruption at that board member’s location for “two brief periods of time.” The Board also admits it did not suspend the teleconference until the broadcast was restored. The plain language of the Act is clear. The Board violated the Act when its board member was not visible on camera at all times that business was being discussed, as required by KRS 61.826(3), and when it experienced interruptions but did not suspend the video teleconference until the broadcast was restored, as required by KRS 61.826(4).

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Nikole Gieske
Tyler Murphy
Andria Jackson