



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-028

January 28, 2026

In re: Katie Johnson/London City Council

**Summary:** The London City Council (“the Council”) did not violate the Open Meetings Act (“the Act”) by holding its meeting at a location that was inconvenient to the public.

***Open Meetings Decision***

On December 9, 2025, in a written complaint submitted under KRS 61.846(1), Katie Johnson (“the Appellant”) alleged that the Commission had violated the Act because it held its December 3, 2025, meeting in a room with insufficient capacity to hold all individuals who sought to attend the meeting and therefore violated KRS 61.840, which requires agencies to “provide meeting room conditions, including adequate space, seating, and acoustics, which insofar as is feasible allow effective public observation of the public meetings.” As a remedy, the Appellant proposed that the Council acknowledge the violation, nullify any action taken, reconduct the meeting at a larger venue, and explain how it will prevent similar violations in the future.

In response, the Council denied it had violated KRS 61.840, stating that no individuals were actually excluded from the Council’s meeting room. However, the Council further stated that, although it denies having violated the Act, it would hold a future meeting to again discuss the same subjects as were discussed on December 3.<sup>1</sup> This appeal followed.

When a public agency conducts a meeting under the Act, it is required to “provide meeting room conditions, including adequate space, seating, and acoustics,

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<sup>1</sup> “If the public agency makes efforts to remedy the alleged violation pursuant to the complaint, efforts to remedy the alleged violation shall not be admissible as evidence of wrongdoing in an administrative or judicial proceeding.” KRS 61.846(1). Therefore, the Council’s decision to hold a future meeting on the same matters at a location capable of holding a larger number of attendees has no bearing on how the Office decides the present appeal.

which insofar as is feasible allow effective public observation of the public meeting.” KRS 61.840. According to the Appellant, the Mayor of London had declined to call the December 3 meeting to order because he believed the number of attendees at the meeting would necessarily violate KRS 61.840. The Appellant further alleges the Council disagreed and began the meeting. Allegedly, “[n]umerous members of the public . . . were unable to hear deliberation[s]” and “others were entirely excluded from attendance.”

For its part, the Council disagrees with the Appellant’s assessment of the meeting. It states that “there is no evidence that any member of the [Council] excluded anyone from the meeting” and that “there was room in the meeting room for the crowd, if people elected to stand along the walls or sit on the floor.” Moreover, the Council alleged, some of the attendees were at the meeting solely to create the alleged capacity issues.

Regarding the ability of attendees to hear the proceedings, the Council describes what was clearly a contentious meeting. According to the Council, during the meeting “there [were] disruptions from the audience” and the City Police Department “declined to assist with” enforcing the “chair’s request for order at times in that meeting.”<sup>2</sup>

The Supreme Court of Kentucky has held that the Act “does not impose upon government agencies the requirement to conduct business only in the *most* convenient locations at the *most* convenient times.” *Knox Cnty. v. Hammons*, 129 S.W.3d 839, 845 (Ky. 2004) (emphasis in original). In *Hammons*, the Court considered whether a meeting of a public agency violated KRS 61.840 “because it did not allow ‘effective public observation’ of the proceedings.” *Id.* at 844. Describing the meeting in question, the Court stated, “It is undisputed that numerous citizens were not able to enter the crowded district courtroom and observed the proceedings from the hallways.” *Id.* However, the Court ultimately held that the agency had not violated KRS 61.840 because “there is nothing on the record to indicate that persons wishing to attend or participate in the proceeding were effectively prevented from doing so.” *Id.* at 845. In so holding, the Court stated that the Act is “designed to prevent government bodies from conducting its business at such inconvenient times or locations as to effectively render public knowledge or participation impossible, not to require such agencies to seek out the most convenient time or location.” *Id.*

This question involved in this appeal, whether the Council had violated KRS 61.840, is substantively similar to the issues presented in 25-OMD-261 and 25-OMD-

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<sup>2</sup> Both parties also refer to the building being emptied out during the meeting. The Appellant claims that was because the meeting had been concluded by the Mayor before the Council reconvened it. The Council claims that an unnamed individual pulled the fire alarm of the building with the goal of disrupting the meeting.

305. Those decisions concerned meetings of the Council that, like the December 3 meeting, were attended by a large number of individuals who took up all available seating. In those previous decisions, the Office reasoned that those meetings were analogous to the meeting at issue in *Hammons*, insofar as citizens at both meetings “were not able to enter the crowded [room] and observed the proceedings from the hallway.” *Id.* at 844. Ultimately, in *Hammons*, the Court reasoned that, although the meeting room in question “might not have been the most convenient . . . location to hold the meeting, it certainly was not an inconvenient . . . location. The fact that a large number of citizens did attend proves this point.” *Id.* at 845. Based on *Hammons*, the Office held that, although the Council’s meeting room may not have been the most convenient location, the fact that a large number of citizens were able to attend the meeting demonstrates that it was not an inconvenient location.

The record in the present appeal presents no basis for the Office to depart from its prior analysis. The fact that a large number of citizens were able to attend the Council’s December 3 meeting, standing alone, is not sufficient for the Office to find that the Council violated KRS 61.840. Rather, the ability of a large number of citizens to attend that meeting demonstrates that the meeting was not held at an inconvenient location. At bottom, the record before the Office does not indicate that the Council’s meeting location was so inconvenient “as to effectively render public knowledge or participation impossible.” Accordingly, the Office cannot find that the Council violated KRS 61.840.

Turning to the Appellant’s claim that attendees were not able to hear the proceedings, the Act requires a public agency to “provide meeting room conditions, including adequate space, seating, and acoustics.” KRS 61.840. Here, the parties disagree on the source of acoustics problems at the December 3 meeting. The Appellant claims microphones were not activated or used. The Council claims certain attendees were disruptive during the meeting. As such, the parties disagree regarding who was at fault for acoustic disruptions at the December 3 meeting.

Ultimately, this dispute presents a factual dispute beyond what the Office is authorized to adjudicate. Under KRS 61.846(2), the Office cannot resolve competing factual claims about what may or may not have transpired at the meeting. *See, e.g.*, 00-OMD-169. The Act does not permit the Office to issue subpoenas, take testimony, or judge the credibility of witnesses. Nor could it, even if authorized to do so, in the short time frame allowed this Office to render a decision. *See* KRS 61.846(2) (requiring the Attorney General to issue a decision within ten business days). Disputes that turn heavily on competing evidence are better suited for review in circuit court. *See* KRS 61.848; *see also* 25-OMD-110. The Office cannot resolve the dispute between the parties regarding who was responsible for the disruptions at the December 3 meeting and the source of any acoustics issues the attendees had at that

meeting. Therefore, the Office cannot find that the Council violated the Act by conducting a meeting that was inaudible to the attendees.

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  
Assistant Attorney General

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Distributed to:

Katie Johnson  
Kelly Green, Presiding Chair, London City Council  
Christopher Wiest, Esq., Counsel, London City Council