



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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26-OMD-029

January 28, 2026

In re: Rhonda Blake & Leslie Saylor/Bell County Solid Waste 109 Board

Summary: The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the Bell County Solid Waste 109 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.

Open Meetings Decision

On December 16, 2025, Rhonda Blake & Leslie Saylor (“Appellants”) submitted a complaint to the Board alleging that the Board had violated the Act by failing to give sufficient notice of action taken at its meeting on October 24, 2025. As a remedy, the Appellants proposed that the Board acknowledge the violation, rescind the action taken at the meeting, and commit to conducting all future meetings without violating the Act. On December 19, 2025, the Board informed the Appellants that their complaint had been submitted to an employee of the Board, not to its chair, and informed them how they could properly submit a complaint to its chair. The Board separately denied violating the Act and explained that it had given proper notice of the action taken at its October 24, 2025, meeting. This appeal followed.¹

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

¹ After business hours on Friday, December 19, 2025, the third business day following submission of the Appellants’ complaint, the Appellants sought to initiate a complaint based on the Board not having yet responded to their complaint. *See* KRS 61.846(1). Prior to the Office’s receipt of the appeal on Monday, December 22, 2025, the Appellants supplemented their complaint with the Board’s timely December 19 response. Although the Appellants’ initial submission was improperly submitted prior to the expiration of the Board’s three business-day response deadline, the Appellants perfected their appeal by later providing the Board’s response.

General's jurisdiction to review the complaint. *See, e.g., Kenton Cnty. Bd. of Adjustment v. Meitzen*, 607 S.W.3d 586, 594 (Ky. 2020) (holding administrative appeals are statutory proceedings that require strict compliance with the enabling statutes); 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 an email account belonging to a Board employee, not the Board's chair. After the Appellants were informed of that fact, they initiated the present appeal rather than resubmitting their complaint. Because the Appellants' complaint was not originally submitted to the Board's chair, they did not comply with KRS 61.846(1). Therefore, the Office lacks jurisdiction under KRS 61.846(2), and must dismiss this appeal.

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:

Rhonda Blake

Leslie Saylor

Kirby Smith, Chairman of the Board

Levi Turner, Board Counsel