



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-OMD-057

February 20, 2026

In re: Morgan Hilton/Fulton County Fiscal Court

Summary: The Fulton County Fiscal Court (“the Fiscal Court”) did not violate the Open Meetings Act (“the Act”) when it did not take final action in closed session within the meaning of KRS 61.815(1)(c).

Open Meetings Decision

On February 8, 2026, in a written complaint submitted under KRS 61.846(1), Morgan Hilton (“the Appellant”) alleged the Fiscal Court had violated the Act at its regular meeting on August 18, 2025. Specifically, the Appellant claimed the Fiscal Court violated KRS 61.815(1)(c) when it took “final action”¹ in a closed session by voting to approve the termination of the Appellant’s employment with the Fulton County Detention Center. In support of her complaint, the Appellant stated that “no public vote was recorded” in the minutes for the August 18 meeting regarding her termination. As a remedy for the alleged violation, the Appellant requested that the Fiscal Court provide a “copy of the final termination order or personnel action form signed by” the County Judge/Executive, a “copy of any motion that was made,” and “proof that a public vote was recorded to authorize [the] termination.”²

In a timely response, the Fiscal Court stated that “[t]he ‘Public Vote’ is included in the August 18, 2025 Fiscal Court meeting minutes.” The Fiscal Court also provided the Appellant a copy of the minutes and stated, “No ‘Final Order’ exists.” In subsequent correspondence to the Appellant, the Fiscal Court identified the relevant vote in the minutes and provided a copy of a letter from the Fulton County Detention

¹ The Act defines “action taken” as “a collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body.” KRS 61.805(3).

² Although the Appellant framed her request for documentation as an “Open Records Request,” she does not purport to bring this appeal under the Open Records Act.

Center to the Fiscal Court dated August 12, 2025, which stated the Appellant had been “terminated on August 11, 2025.” This appeal followed.³

Under KRS 61.815(1)(c), “[n]o final action may be taken at a closed session.” The Appellant claims the Fiscal Court took final action in closed session by voting to approve the termination of her employment. As evidence, the Appellant points out the last three actions recorded in the minutes, which are the motion to enter closed session, the motion to exit closed session, and the motion to adjourn. However, as the Fiscal Court points out, the Appellant’s employment matter was voted on *prior to* the motion to enter closed session, as part of an action identified in the minutes as “IN RE: Employees,” upon a motion “to approve the employees and the additional employees presented today.” Thus, as the minutes indicate, the Appellant’s termination was approved by the Fiscal Court in open session.⁴ Further, the Fiscal Court expressly denies taking any action regarding the Appellant’s employment in closed session. Thus, the Office cannot find that the Fiscal Court violated the Act.⁵

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.

³ The Appellant originally initiated this appeal on February 10, 2026, without providing a copy of the complaint and response as required by KRS 61.846(2). At that time, the Office issued a Notice of Unperfected Appeal. Later that day, the Appellant provided a copy of her complaint and response, and the appeal was deemed perfected. In response, the Fiscal Court claims the appeal is premature because it was brought before the expiration of the time for an agency to respond to a complaint under KRS 61.846(1). Evidently, the Fiscal Court has confused the Appellant’s *appeal* to the Attorney General under KRS 61.846(2), which she calls “a formal complaint under KRS 61.846,” with a *complaint* to the presiding officer of the public agency under KRS 61.846(1). Because the Appellant initiated this appeal after the Fiscal Court responded to her complaint, the appeal is not premature.

⁴ The Appellant argues that, under *Floyd County Board of Education v. Ratliff*, 955 S.W.2d 921 (Ky. 1997), “a public agency must name the individual affected” when it approves personnel actions in open session. However, neither the Act nor the case cited by the Appellant imposes any such requirement. The *Ratliff* case concerned the specificity with which a public agency must identify the topics to be discussed during a *closed* session under KRS 61.815(1)(a). Here, because the Appellant’s termination was approved in open session, *Ratliff* does not apply.

⁵ On appeal, the Appellant claims the Fiscal Court violated KRS 61.835 by failing to make an accurate record in its minutes of the votes and actions taken at the meeting. Because that allegation was not included in the Appellant’s complaint, it is outside the scope of this appeal. *See* KRS 61.846(1).

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Distributed to:

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