



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-OMD-106

March 19, 2026

In re: Brandy Lain/Salyersville City Council

Summary: The Office cannot find that the Salyersville City Council (“the Council”) violated the Open Meetings Act (“the Act”) when a member of the public played a video during the Council’s public comment period.

Open Meetings Decision

Brandy Lain (“the Appellant”) submitted a complaint to the Council alleging the Council violated the Act when a “City employee” directed questions toward [her] concerning a private plumbing matter at [her] residence” while the Appellant “was addressing the Council during the public comment period.”¹ As a remedy, the Appellant proposed that the Council acknowledge the violation, provide written assurance that its meetings will be used solely for public business, adopt policies preventing similar actions, and confirm that “unrelated personal content of citizens will not be displayed during future meetings.” In a timely response, the Council denied that any violation occurred and explained that its presiding officer “was not aware that a video was being played at the time referenced in [the Appellant’s] complaint” and “did not authorize or permit such activity.” This appeal followed.

The purpose of the Act is to ensure the formation of public policy “shall not be conducted in secret.” KRS 61.800. It is for this reason that “[n]o condition other than those required for the maintenance of order shall apply to the attendance of any member of the public at any meeting of a public agency.” KRS 61.840. The Office has previously noted that KRS 61.840 “vests the public with a virtually unconditional right to attend all meetings of a public agency.” 00-OMD-169. However, the Act only provides a right for the public to attend meetings, not a right to speak or participate in the proceedings. *See, e.g.,* 95-OMD-99. Further, the Act does not insulate a member

¹ Specifically, the Appellant complains that the City employee “played unrelated personal social media videos from [her] account for the gallery to view.”

of the public from comment or criticism when speaking or participating in a proceeding, either from a member of the agency or another member of the public.

The scope of the Office's review of an appeal brought under the Act is defined by KRS 61.846(2). The Office shall review a complaint and denial submitted to the Office and issue a written decision within 10 business days of receipt of the required materials. *Id.* A decision issued by the Office shall "state[] whether the agency violated the provisions of KRS 61.805 to 61.850." *Id.*

The Appellant complains about her ability to speak freely during the Council's public comment period. However, because a member of the public has no right to speak or participate in a public meeting, the Appellant's complaint does not describe violations of the Act. Thus, the Office cannot find a violation of the Act based on the Appellant's complaint. *See, e.g.,* 25-OMD-261 (declining to find a violation of the Act where the Appellant's allegation did not relate to any requirement of the Act.)

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
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Distributed to:

Brandy Lain, Appellant
Stanley Howard, Mayor, City of Salyersville
Jeffery Lovely, City Attorney, City of Salyersville