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26-OMD-199

May 6, 2026

In re: Allison Allesandro/Fort Thomas Independent Public School District Board of Education

Summary: The Office cannot find that the Fort Thomas Independent Public School District Board of Education (“the Board”) violated the Open Meetings Act (“the Act”) because it cannot resolve the factual dispute regarding whether it required members of the public to “sign in” to attend its meeting.

Open Meetings Decision

On Friday, April 17, 2026, Allison Allesandro (“the Appellant”) submitted a written complaint under KRS 61.846(1) to the Board’s presiding officer “concerning an action that took place” during the Board’s April 13, 2026, meeting. Specifically, the Appellant claimed the Board violated KRS 61.840 because “members of the community were required to identify themselves on a sign-in sheet prior to being admitted into the meeting room.” To remedy the alleged violation, the Appellant proposed the Board “should discuss the impropriety of the requirement at the April 13, 2026, meeting during its next working meeting as well as its next public meeting. Should the District take adverse action against any of the attendees identified on the sign-in sheet, that action could be considered retaliatory.” The Appellant further stated that “[a]ny actions taken during the meeting while in violation of KRS 61.840 should be declared null and void.” On Saturday, April 18, 2026, the Board responded to the Appellant’s complaint per KRS 61.846(1), advising that “[n]o one was compelling individuals to sign in prior to admittance to the meeting, and there were multiple individuals who were in attendance who did not sign in.” Rather, “[a] voluntary sign-in sheet has been in use for regular Board meetings for many years, as some attendees wish their attendance to be documented for various reasons (for example, college teaching students who attend to complete course requirements).” This appeal followed.

The General Assembly has recognized “that the formation of public policy is public business and shall not be conducted in secret.” KRS 61.800. Likewise, the Supreme Court of Kentucky has held, “The intent of the open meetings statutes is to ensure that government business is not conducted in secret, that the public is adequately notified of the time and nature of government proceedings, and that interested citizens be afforded the opportunity to participate in such proceedings.” *Knox Cnty. v. Hammons*, 129 S.W.3d 839, 845 (Ky. 2004). In relevant part, KRS 61.840 states, “No 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. No person shall be required to identify himself in order to attend any such meeting.” KRS 61.840; see 24-OMD-215. Accordingly, the Office has long recognized that KRS 61.840 “vests the public with a virtually unconditional right to attend all meetings of a public agency.” 24-OMD-083; 11-OMD-020; 00-OMD-169. For this reason, imposing a condition on attendance, such as a *mandatory* sign-in sheet (00-OMD-63; 98-OMD-44), contravenes the mandate of KRS 61.840. 05-OMD-200; 00-OMD-169.

However, the Act only vests the public with a right to attend meetings and “to observe with their eyes and ears what transpires” in the meetings, not to participate by speaking or addressing the members of the public agency. See, e.g., 11-OMD-020; 95-OMD-99. Thus, while a public agency shall not require a member of the public to sign a roster, sign-in sheet, or guest list, or identify him- or herself simply to gain entry to a public meeting, a public agency may impose such conditions before permitting a member of the public to speak at the meeting. See, e.g., 24-OMD-083; 19-OMD-135; 11-OMD-020.

On appeal, the Board states that the Appellant “assigns an intention to the document that never existed. She misunderstands the purpose of the document and its use. It is not even a sign-in sheet but merely a guest list.” According to the Board, unlike a “sign-in sheet,” the document in question “does not record attendance, arrival, departure times; it does not solicit information such as addresses, e-mail addresses, or phone numbers; and it does not track signors. The guest list is presented at all board meetings as a c[ou]rtesy and convenience to the public who may want to document their attendance at a specific board meeting.” Sometimes, the Board says, parents and family members of students “want to memorialize the meeting at which their child was recognized; sometimes guests who are fulfilling credits with another institution wish to document their attendance; and sometimes members of the community just wish to have a record of their attendance at a board for posterity’s sake.” The “guest list” is a “convenience to the public and it contains no directive to the public to sign prior to attending the meeting; nor is attendance conditioned upon signing it.” If that were the Board’s intention, the sign-in sheet “would so state that on the document.” Further, the “guest list” is no different than a guest book commonly used at public venues, which guests may choose to sign or decline to sign; in other

words, the sign-in sheet is voluntary. The Board maintains that “[i]t is a convenience for guests to record and communicate their presence to the host, if they so choose.”

To further substantiate its position, the Board cites Board Policy 01.421, which governs participation by the public during open meetings of the Board. That policy states, “The public and the news media are permitted to attend all open meetings of the Board. No person may be required to identify himself in order to attend any such meeting.” Citing prior decisions by the Office, the Board further asserts that no violation of the Act occurred here because “no member of the public was required to sign the guest list as a requirement for attendance at the meeting.” The Board did not “turn anyone away from the meeting or deny them the right to attend the meeting.” In reply, however, the Appellant states that attendees were “told at the door to sign in as a guest or to sign to speak and what you wanted to speak about. I also heard some people being told that this topic was already taken. . . . We were not given a choice to sign in or not.”

Ultimately, the Office cannot resolve competing factual claims about events that may or may not have transpired. *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 (finding the Office could not resolve a factual dispute regarding alleged violations of KRS 61.810(2)); 23-OMD-103 (same). Here, however, the record is devoid of evidence by which to independently confirm the Appellant’s claim that “members of the community were required to identify themselves on a sign-in sheet prior to being admitted into the meeting room.”

The Board has maintained initially and on appeal that its practice of having attendees voluntarily sign a “guest list” is offered as a convenience or courtesy to the public and that the right of individuals to attend the public meeting is not conditioned upon signing it. The divergent factual accounts presented by the parties regarding not only the nature and purpose of the alleged “sign-in sheet” but also whether attendance was conditioned upon signing it or anyone was denied admittance because of refusing to sign it, compel the Office “to conclude that the record is insufficient to support the claimed violation.” 18-OMD-132; 03-OMD-178. Accordingly, the Office cannot find the Board violated the Act by requiring members of the public to “sign in” to attend its meeting.

The Appellant also complains that, “Presiding Officer Kuhnhein failed to respond to the attached Complaint and none of the remaining five (5) Board Members acknowledged receipt or provided a response.” In response, the Board explains that

its Superintendent, “who by statute serves as the Secretary to the Board and as chief executive officer and designee of the Board in all Board and District matters,” responded under the authority of the Board and on its behalf.

Upon receiving a complaint alleging that a public agency has violated the Act, a “public agency shall determine within three (3) [business] days . . . after the receipt of the complaint whether to remedy the alleged violation pursuant to the complaint and shall notify in writing the person making the complaint, within the three (3) day period, of its decision.” KRS 61.846(1). The response by the agency “shall be issued by the presiding officer, *or under his authority*, and shall constitute final agency action” (emphasis added). KRS 61.846(1). Here, the Superintendent, acting under the authority of the Board Chair, sent a timely response upon receipt of the Appellant’s complaint per KRS 61.846(1) and disputed the allegations made by the Appellant regarding the actions of the Board at its April 13, 2026, meeting. Nothing more was required. The Board did not violate KRS 61.846(1).

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 e-mailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

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