



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-OMD-219

May 15, 2026

In re: Chris Clark/Green County Board of Education

Summary: The Office of the Attorney General (“the Office”) lacks jurisdiction to consider a complaint alleging that the Clark County Board of Education (“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 April 16, 2026, Chris Clark (“the Appellant”) submitted a complaint to the superintendent of the Green County School System alleging that the Board had violated KRS 61.835 by failing to make minutes from a prior meeting available to him. The Appellant also alleged that the Board violated KRS 61.823(4)(a) when it did not provide him notice of a special meeting. In response, the Board denied having violated the Act. This appeal followed.

As an initial matter, the Office must be assured of its jurisdiction before it may render a decision under KRS 61.846(2). The Attorney General’s 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 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.

This appeal presents the same failure to comply with KRS 61.846(1) that occurred in 22-OMD-177. The Appellant alleged a violation of the Act by the Board, but he submitted his complaint to the superintendent rather than the chair of the Board. Because the Appellant’s complaint was not originally submitted to the Board’s chair, he 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

#375

Distributed to:

Chris Clark, Appellant
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