



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-OMD-298

July 6, 2026

In re: Lawrence Trageser/Spencer County Fiscal Court

Summary: The Spencer County Fiscal Court (“the Fiscal Court”) violated the Open Meetings Act (“the Act”) by discussing items not identified on its special meeting agenda and by failing to send a written response within three business days of receiving a written complaint.

Open Meetings Decision

On June 8, 2026, Lawrence Trageser (“the Appellant”) sent a complaint to the Spencer County Judge/Executive (the “Judge/Executive”) under KRS 61.846(1), alleging that the Fiscal Court violated the Act during its June 3, 2026, special meeting by “engag[ing] in the illegal action of entering into executive session for discussions and public business, when no such agenda item was printed or identified on the ‘Special Meeting’ agenda,” and that the Fiscal Court had thereby violated KRS 61.823(3). To remedy the alleged violation, the Appellant proposed the Fiscal Court (1) “cease and desist in this illegal activity”; (2) acknowledge during the next Fiscal Court meeting that this action was illegal; and (3) declare null and void any “any action taken, discussed or engaged” by the Fiscal Court during the closed session.

On June 18, 2026, the Appellant initiated this appeal, challenging the Fiscal Court’s failure to respond within three business days of receiving his June 8, 2026, complaint as KRS 61.846(1) requires. The Appellant also argues that the Fiscal Court violated the Act by failing to comply with KRS 61.823(3) because the notice of its June 3, 2026, special meeting did not “list an Executive Session item, nor any reasons or KRS exemptions for entering into an Executive Session.”

Upon receiving a complaint alleging a violation of 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). Here, the Fiscal Court admits that it failed to respond to

the complaint within three business days. Accordingly, the Fiscal Court violated the Act when it failed to respond to the Appellant's complaint within three business days of receiving it.

There are two types of meetings under the Act, regular meetings and special meetings. Under KRS 61.820(2), a public agency "shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means may be required for the conduct of business of that public agency." A meeting that was not previously scheduled under KRS 61.820(2) is a "special meeting," and it is subject to additional notice requirements. *See* KRS 61.823. Notice of a special meeting must be issued at least 24 hours in advance, and the notice must include a copy of the agenda because "[d]iscussions and action at the meeting *shall be limited to items listed on the agenda in the notice.*" KRS 61.823(3) (emphasis added).

The Fiscal Court states that, at its June 3, 2026, meeting, it went into closed session to discuss "proposed or pending litigation against or on behalf of the public agency," *see* KRS 61.810(1)(c), and matters "which might lead to the appointment, discipline, or dismissal" of an employee or member, *see* KRS 61.810(1)(f). However, the Fiscal Court's agenda did not state that it would be going into closed session for any reason, let alone the reasons it now identifies on appeal. The Fiscal Court argues that it is not required to include a planned closed session on its special meeting agenda because "[a]t the time the agenda is prepared[,] there is no way to know whether the procedural requirements necessary to enter [closed session] will be met." It further argues that two of its agenda items, designated as "Deputy Judge" and "Farmer's Market Pavilion Discussion," gave sufficient notice of the topics to be discussed in the closed session. The Office disagrees.

The "basic policy of [the Act] is that the formation of public policy is public business and shall not be conducted in secret." KRS 61.800. Indeed, the "express purpose" of the Act is "to maximize notice of public meetings and actions." *Floyd Cnty. Bd. of Educ. v. Ratliff*, 955 S.W.2d 921, 923 (Ky. 1997). Here, however, the Fiscal Court went into a closed session pursuant to KRS 61.810(1)(c) and (f), but it did not state in its agenda that the closed session was to occur. Further, although the Fiscal Court listed "Deputy Judge" and "Farmer's Market Pavilion Discussion" on the agenda, those items did not give notice to the public that the Fiscal Court would be going into closed session to discuss those subjects. This omission failed to meet the requirements of the Act. At bottom, "[d]iscussions and action at the meeting shall be limited to items listed on the agenda in the notice." KRS 61.823(3). The Fiscal Court's

closed session was not listed as an item on its meeting agenda. Therefore, because the Fiscal Court discussed an item not included on the agenda, it violated the Act.

A party aggrieved by this decision may appeal it by initiating 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/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

Lawrence Trageser, Appellant
Scott Travis, Spencer County Judge/Executive
Katie Stone, Spencer County Deputy Judge/Executive
Corey Thomas, Spencer County Attorney