



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-OMD-420

September 16, 2026

In re: Grant Gerstner/Oldham County Board of Education

Summary: The Oldham County Board of Education (“the Board”) violated the Open Meetings Act (“the Act”) when it failed to give adequate notice of the location of a special meeting.

Open Meetings Decision

In a written complaint under KRS 61.846(1), Grant Gerstner (“the Appellant”) alleged the Board violated KRS 61.823(3) by failing to give adequate notice of a special meeting held on August 26, 2026, and by holding the meeting in an inconvenient location. Specifically, the Appellant claimed the written notice stated the meeting would be held in the District Administrative Office, but did not specify where in that three-story building the meeting would occur. The Appellant further alleged the meeting was held in the basement of the building. He claimed the basement was not a place “convenient to the public” under KRS 61.820(1) because that location was not specified in the notice and “no person [or sign was] physically on the main floor of the building to direct attendees” to the meeting location. As a remedy for the alleged violation, the Appellant requested the Board acknowledge it violated the Act and give more extensive notice of future special meetings. In a timely response, the Board acknowledged the facts as stated by the Appellant, but denied it had violated the Act. This appeal followed.

Prior to a special meeting, a public agency must “provide written notice,” including “the date, time, and *place* of the special meeting and the agenda.” KRS 61.823(3) (emphasis added). Here, in its response to the Appellant’s complaint, the Board claimed it gave adequate notice of the place of the meeting by stating “the address” of the District Administrative Office. However, “[t]he 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). Thus, in 12-OMD-078, the Office found an agency had violated the Act when, during the course of a special meeting, it “adjourned” that meeting to a different room in the same building at a later time without providing a separate written notice compliant with KRS 61.823.

When construing the Act, “in all matters not specifically addressed by the statute,” the Office will “apply a rule of reasonableness.” 05-OMD-011. Here, the Board argues that giving notice of the address of the building satisfies the “place” requirement under KRS 61.823(3). However, KRS 61.823(4)(c) requires the written notice to “be posted in a conspicuous place *in the building* where the special meeting will take place” (emphasis added). If the notice is already posted in the *building* where the meeting is held, KRS 61.823(3) must reasonably contemplate that the notice should contain more *specific* information about the “place of the special meeting,” or the requirement would be superfluous. A “statute should be construed, if possible, so that no part of it is meaningless and ineffectual.” *Hardin Cnty. Fiscal Ct. v. Hardin Cnty. Bd. of Health*, 899 S.W.2d 859, 861-62 (Ky. App. 1995).

In some cases, of course, a special meeting may be held in a building so small that the location of the meeting within that building would be obvious. Or an agency may take steps to notify anyone entering the building of the location of the meeting. Here, however, the meeting was held in the three-story District Administrative Office, and the Appellant states no one was present in or near the front office at the scheduled time of the meeting. Under these circumstances, the location of the meeting was not obvious. Because the Board’s notice did not adequately state the “place of the special meeting” as required by KRS 61.823(3), the Board violated the Act.

The Appellant further claims the basement of the District Administrative Office was not a “convenient” location for the public. Under KRS 61.820(1), “[a]ll meetings of all public agencies . . . shall be held at specified times and places which are convenient to the public.” This provision of the Act is “designed to prevent government bodies from conducting [their] business at such inconvenient times or locations as to effectively render public knowledge or participation impossible.” *Knox Cnty. v. Hammons*, 129 S.W.3d 839, 845 (Ky. 2004). However, it “does not impose upon government agencies the requirement to conduct business only in the *most* convenient locations at the *most* convenient times.” *Id.* (emphasis in original).

Here, the Appellant states he entered the front office area of the District Administrative Office, two minutes past the scheduled meeting time of 5:00 p.m., to find the lights off, no one present, and no signs indicating where the meeting was being held. At that point, the Appellant sent an inquiry by text message to the school district’s Director of Communications, who was not present but informed him the Board would be meeting “either upstairs in the conference room or in the basement.”¹ Without that information, the Appellant claims, “most sensible people, not wanting

¹ After walking downstairs, the Appellant states, he “hear[d] voices coming from down the hall, and thus found the meeting taking place.” On appeal, the Board describes the basement meeting location as “an open meeting space, with no closed doors or other barriers restricting public access.”

to seem like they are trespassing in [the] district building after office hours,” would not have ventured into the basement to search for the meeting.

A public meeting must be held in “a place from which no part of the citizens . . . may be excluded by reason of not feeling they may freely attend.” 02-OMD-78 (quoting *City of Lexington v. Davis*, 221 S.W.2d 659, 661 (Ky. 1949)). Thus, in 13-OMD-186, the Office found a city commission had violated KRS 61.820(1) by holding a meeting in the mayor’s private residence. Here, however, the basement of the District Administrative Office is not inherently a location where the general public would not feel free to go, *provided* the Board had given specific notice that the meeting would be held there.² Thus, the gravamen of the Appellant’s complaint is the lack of notice that the meeting would be in the basement, not the characteristics of the basement itself. Accordingly, the Office cannot find that the Board violated KRS 61.820(1) under the facts presented.

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/ James M. Herrick
James M. Herrick
Assistant Attorney General

#762

Distribution:

Mr. Grant Gerstner
Rudy Ellis III, Esq.
Carly Clem, Chair
Claudette Herald, Superintendent

² Although the Board states the District Administrative Office building “has routinely been used for Board business,” it does not claim Board meetings have routinely been held in the basement.