



COMMONWEALTH OF KENTUCKY
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20-OMD-158

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In re: Glenn Hayden/Graves County School Board

Summary: Social media posts by individual members of public agencies regarding matters over which the agency has no authority to take action are not “meetings” under the Open Meetings Act (“the Act”). There is no evidence in the record to support a finding that the Graves County School Board (“Board”) held a series of meetings with less than a quorum present for the purposes of avoiding the requirements of the Act.

Open Meetings Decision

Glenn Hayden (“Appellant”) claims that the Board violated the Act when Vice-Chair Kelly Eaton Thurman posted a negative comment about him on Thurman’s personal Facebook page. The post relates to an Open Records Act appeal that Appellant had made to this Office, and Thurman’s opinion of Appellant for having initiated that appeal. Although Appellant also provides copies of the comments appearing under the post, it is unclear if those commenters included other Board members.

“All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times[.]” KRS 61.810. The operative phrase is “public business,” which means “the discussion of the various alternatives to a given issue about which the board has the option to take action.” *Yeoman v. Commw., Health Policy Bd.*, 983 S.W.2d 459, 474 (Ky. 1998). The subject post reflects one Board member’s personal opinion about Appellant and has no relation to education, school administration, or any other

policy matter over which the Board “has the option to take action.” *Id.* Thus, the post itself is not a violation of the Act.

Appellant also argues that Thurman uses her personal Facebook page as a “Secret Rolling Quorum Open Meeting,” and that Thurman’s Facebook page promotes a series of meetings in which less than a quorum is present. KRS 61.810(2). Even assuming that was possible, there is nothing in the record to suggest that is what occurred here, because neither the post nor subsequent comments relate to “public business” as defined in *Yeoman*. Moreover, KRS 61.810(2) only prohibits a series of meetings between less than a quorum of members “for the purpose of avoiding the requirements of” the Act. Because there is no evidence in the record that the Board intended to avoid the requirements of the Act when Thurman posted her comments, the Board did not violate the Act.¹

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.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:
Glenn Hayden
Jesse E. Wright

¹ Appellant also claims that his right to privacy was violated. This Office has no authority to address such a claim. *See e.g.*, 20-OMD-072 (finding several claims unrelated to enforcement of the Act as being nonjusticiable by this Office).