



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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In re: Lawrence Trageser/Spencer County Fiscal Court

Summary: The Spencer County Fiscal Court (“Court”) violated the Open Meetings Act (“the Act”) when a magistrate attended a video teleconferenced meeting with his video turned off.

Open Meetings Decision

On March 18, 2021, Lawrence Trageser (“Appellant”) submitted a written complaint alleging that the Court had violated the Act when a magistrate participated in a video teleconference meeting on March 15, 2021, with his live video feed turned off. The Court responded by admitting the alleged conduct and stating that the matter would be addressed at its next meeting. This appeal followed.¹

The Act provides that a notice for any meeting conducted by video teleconference must “[p]recisely identify a primary location of the video teleconference where all members can be *seen and heard* and the public may attend in accordance with KRS 61.840.” KRS 61.826(2)(b) (emphasis added). However, in response to the novel coronavirus emergency, the General Assembly enacted Senate Bill 150 (“SB 150”), which became effective on March 30, 2020. Section 1(8)(b) of SB 150 provides that during the state of emergency, “a public agency may conduct any meeting . . . by live audio or live video teleconference” so long as the public agency provides “specific information on

¹ Although the Court admitted its violation, the Appellant complains that the Court did not implement the remedies he suggested in his complaint. This Office, however, does not have jurisdiction to grant any specific remedy for a violation of the Act. Under KRS 61.846(2), the Attorney General must issue “a written decision which states whether the agency violated the provisions of [the Act].”

how any member of the public or media organization can access the meeting.” Although SB 150 permits agencies to conduct meetings using live audio, the public agency may only do so if it “does not have the technological capacity or availability to provide for a live video teleconference.” SB 150 § 1(8)(b)2.b.

Here, the Court possessed the technological capacity to conduct the meeting using video teleconferencing technology, but admitted that two of its magistrates chose to turn off their cameras. Accordingly, this Office finds that the Court violated the Act, as modified by SB 150.

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/ James M. Herrick

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Assistant Attorney General

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Distributed to:

Mr. Lawrence Trageser
Ken S. Jones, Esq.