



COMMONWEALTH OF KENTUCKY  
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**22-OMD-197**

September 29, 2022

In re: Gail Smith/City of Bromley

**Summary:** The City of Bromley (the “City”) violated the Open Meetings Act (“the Act”) when it did not issue a timely response to a complaint submitted under the Act within three business days.

***Open Meetings Decision***

On August 30, 2022, Gail Smith (“Appellant”) submitted a complaint to the City that none of its publicly posted meeting minutes recorded a vote approving the construction of a wall in one of the City’s parks. Specifically, the Appellant alleged that the construction of the wall at a City park began prior to its approval at a special meeting on August 30, 2022. On September 9, 2022, having received no response from the City, the Appellant initiated this appeal.

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, on appeal, the City admits it received the Appellant’s request on August 31, 2022, but it did not respond to the request. Thus, it violated the Act.<sup>1</sup>

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<sup>1</sup> The City further admits on appeal that construction on the wall commenced prior to the vote approving its construction at the City’s special meeting on August 30, 2022. The City claims the contractor began work prior to the August 30 special meeting due to a miscommunication.

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 e-mailed to OAGAppeals@ky.gov.

**Daniel Cameron**  
**Attorney General**

s/Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Gail Smith  
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