

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J.B. PETERSON)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00025
)	
MARION COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On January 21, 2004, J.B. Peterson (“Complainant”) filed a formal complaint¹ against the Marion County Water District (“Marion District”) alleging that Marion District violated his civil rights by improperly meeting in executive session and terminating his employment as manager for Marion District. Complainant states as grounds for his complaint that Marion District, in so meeting in executive session, violated KRS 61.800 through 61.850. Complainant requests, pursuant to KRS 61.846, that the actions of Marion District be nullified and that he be reinstated as manager.

KRS 61.800 to KRS 61.850 direct the manner in which meetings of public entities are to be conducted. KRS 61.846 addresses the procedure an aggrieved party must follow to enforce alleged violations of KRS 61.800 through KRS 61.850. KRS 61.846(1) provides that when a party seeks enforcement of KRS 61.800 through KRS 61.850, that party must first submit a written complaint to the presiding officer of the public agency. Here, the

¹ Attached as Appendix A.

public agency is Marion District. If the complaining party disagrees with the public agency's response, the party may then take its complaint, pursuant to KRS 61.846(2), to the Attorney General.

The Commission has no authority to enforce complaints brought under KRS 61.846. The Commission, moreover, is without authority to enforce any provisions of KRS 61.800 through KRS 61.850. The Attorney General, pursuant to KRS 61.846(2), has the power to enforce the provisions of KRS 61.800 through KRS 61.850. The Commission finds that this complaint fails to state a claim upon which relief may be based.

IT IS THEREFORE ORDERED that this complaint is dismissed and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 2nd day of February, 2004.

By the Commission

(See document named 200400025_02022004apx.pdf" for appendix.)

ATTEST:


Executive Director

Case No. 2004-00025