

**COMPLAINT FOR ILLEGAL APPOINTMENT VIOLATION
BEFORE THE CITY COMMISSION OF UNION, KENTUCKY
(Pending Appeal to the OFFICE OF THE ATTORNEY GENERAL,
COMMONWEALTH OF KENTUCKY, if necessary)**

Complainant:

Brian Garner

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Union, KY 41091

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Respondent:

City of Union City Commission

1843 Bristow Rd

Union, KY 41091

STATEMENT OF FACTS

1. The City Commission consists of 4 commissioners and 1 mayor.
2. In November of 2024 an election was held for the City Commission of Union, KY where 4 individuals were certified as the winners for the term beginning January 1, 2025.
3. 1 individual, Jeremy Ramage, had resigned from the prior term effective November 27, 2024.
4. The City of Union regular commission meeting minutes from December 2, 2024 reflect that Ramage “will not be accepting the election to the city commission effective January 1, 2025”
5. Before the start of the new term 3 of the 4 certified election winners fulfilled the legal requirements to qualify for their elected office as required by law.
6. Ramage did not resign from the 2025 term of office; rather, he failed (or refused) to qualify.
 - o Because no oath of office was administered, he never assumed office.
 - o Ramage was not compensated for any days in 2025 which indicate the city recognized Ramage was not a sitting commissioner during the new term.
 - o The Commission acknowledged that Ramage had no intent to assume office.
7. Under KRS 62.010(1), no officer shall enter upon the duties of his office until he takes the oath required by law.
8. The City Attorney incorrectly interpreted the vacancy start date as January 8, 2025, citing KRS 83A.040(7):

- *“The resignation shall be effective at the next regular or special meeting of the city legislative body occurring on or after the date specified in the written letter of resignation.”*
9. However, KRS 83A.040(7) does not apply, as Ramage neither assumed office nor intended to do so.
 - His declination to assume office did not create a mid-term vacancy—it was a vacant seat from the start of the term.
 - KY OAG 13-003 explains that the administration of an oath of office may be delayed for justifiable reasons to allow an individual to qualify. However, this extension does not apply in Ramage’s case, as he never intended to take the oath of office nor did he intend to assume office.
 10. In January 2025, I informed the City Attorney that the vacancy related to Jeremy Ramage was being incorrectly interpreted and as a result the City Commission would lose the ability to fill the vacancy before the February 3, 2025 meeting.
 11. The City Attorney indicated that he respectfully disagreed with my assertion that the vacancy began January 1, 2025.
 12. As a result of this misinterpretation, the City Commission illegally appointed George Eldridge to the vacancy on February 3, 2025 in violation of KRS 83A.040(6).
 13. On January 31, 2025 the vacancy resulting from Ramage’s failure to assume office had been vacant for more than 30 days.
 14. On January 31, 2025 a court ruling removed 3 individuals who had purported to attain office as a result of the November of 2025 election. Those 3 individuals were John Mefford, Eric Dulaney, and Brian Garner.
 15. On February 3, 2025, the City Commission of Union, Kentucky, appointed 3 members, including John Mefford, Douglas Bine, and George Eldridge.
 16. When making the appointments, Mayor Larry Solomon explicitly stated that George Eldridge’s appointment was for the vacancy related to Jeremy Ramage. This specific descriptor demonstrates clear legislative intent, affirming that the appointment directly pertains to the vacancy resulting from Ramage’s failure to assume office and cannot be interpreted as referring to any of the vacancies that began on January 31, 2025.
 17. KRS 83A.040(6) provides that a city commission has only 30 days to fill a vacancy. Since the vacancy began on January 1, 2025, the commission's deadline to fill it expired on January 31, 2025.
 18. Because the commission failed to fill the vacancy within the required 30-day period, it lost the authority to make the appointment under KRS 83A.040(6), and the power to fill the vacancy transferred to the Governor of Kentucky.
 19. The appointment of George Eldridge on February 3, 2025, was therefore unlawful, as the City Commission lacked the statutory authority to make the appointment at that time.

LEGAL VIOLATION

- Under KRS 62.010(1), no officer shall enter upon the duties of his office until he takes the oath required by law. Since Jeremy Ramage declined to take the oath, he never assumed office, thus creating a vacancy that existed from January 1, 2025, rather than a mid-term vacancy created by resignation.
- KY OAG 13-003 establishes that an oath of office may be delayed for justifiable reasons to allow an individual to qualify. However, this extension does not apply to Ramage, as he never intended to take the oath nor assume office. The vacancy, therefore, existed from the beginning of the term January 1, 2025.
- Because Ramage never assumed office, he was never a validly seated commissioner, and the seat was vacant from the start. The City Commission's actions were based on an incorrect assumption of the vacancy date, violating both the letter and spirit of the law.
- KRS 83A.040(6) explicitly states that a city commission has only 30 days to fill a vacancy. If it fails to do so, the appointment authority shifts to the Governor of Kentucky.
- As the vacancy arose on January 1, 2025, the City Commission's deadline to act was January 30, 2025.
- Because the appointment on February 3, 2025, was made beyond the statutory deadline, it is invalid and void ab initio (i.e., invalid from the outset).

REQUEST FOR RELIEF

Based on the above facts, the Complainant respectfully requests the following corrective actions from the City of Union Commission:

1. Formally acknowledge that the appointment of George Eldridge on February 3, 2025, was made outside the statutory deadline and is therefore void.
2. Rescind George Eldridge's appointment and cease recognizing him as a City Commissioner, as the appointment lacked legal authority.
3. Recognize that the authority to fill the vacancy now rests with the Governor of Kentucky pursuant to KRS 83A.040(6) and that any further action by the City Commission regarding this seat is beyond its jurisdiction.
4. Take immediate steps to notify the Governor's Office of the vacancy so that it may be lawfully filled in accordance with state law.
5. Submit a written and electronic response within three (3) days to prevent further appeal to the Attorney General.

CERTIFICATION

I, Brian Garner, certify that the information provided in this complaint is true and accurate to the best of my knowledge. This complaint is being submitted as a courtesy to allow the City of Union Commission an opportunity to correct its statutory violation. However, if appropriate

corrective actions are not taken within three (3) days of this filing, I am prepared to pursue further remedies, including but not limited to:

- Filing a formal complaint with the Kentucky Attorney General's Office
- Initiating civil litigation in the appropriate court

Failure to comply with KRS 83A.040(6) and other applicable laws will necessitate further legal action. In the event that legal action becomes necessary, I reserve the right to seek recovery of all attorney's fees, court costs, and other litigation-related expenses incurred as a direct result of the City's failure to comply with the law.

The City Commission must submit a written and electronic response within three (3) days, confirming corrective action. Should the City Attorney deny the violations outlined in this complaint, they must provide a formal written legal opinion citing statutory authority and precedent within three (3) days. Failure to respond within this timeframe will result in immediate escalation to the Attorney General and other appropriate legal avenues.

Respectfully submitted,

Brian Garner

X

Date: March 3, 2025