

JEFFREY J. OTIS

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March 6, 2025

Mr. Brian Garner
brian@garner-ins.com

In re: Complaint presented to Hon. Greg Voss, City Attorney for the City
of Union, Kentucky

Dear Mr. Garner:

I have been hired by the City of Union, Kentucky to address the Complaint that you presented to the Honorable Greg Voss, City Attorney for the City of Union, Kentucky. Please know that the City of Union is taking your Complaint seriously. I have thoroughly reviewed your Complaint and the record that you have referenced therein. I must confess that I find your Complaint confusing. The Complaint directly references allegations that the City of Union illegally appointed the Commissioners that are currently serving the City. However, in your request for relief, you directly cite to the remedy afforded an individual when an alleged violation of the Kentucky Open Meetings Act is made. Please be advised that your request for relief and the requirements of the City to make a response within three (3) days (among other requirements) is not commensurate with your allegations. Given this conflict, I can only presume that you are not alleging a violation of the Kentucky Open Meetings Act because there is not any violation of the Act referenced in your complaint. Therefore, your requested relief is inapplicable to your Complaint. Despite this issue, the City has directed me to address your complaint. I shall provide you with a formal response within the next several days.

Please be advised that the City of Union has identified multiple deficiencies with your Complaint, including improper service. However, what I would direct your attention to is an Order issued by the Hon. Judge Richard Brueggemann on January 31, 2025. This Order reads in relevant part,

“that the election for all races held for City Commissioner, in and for the City of Union, is VOID and SET ASIDE...” The Order goes further to state that all City Commissioners ***“are hereby ousted from office...and the vacancies shall be filled by the Mayor of the City of Union pursuant to K.R.S. 83A.040(5).”***

For your convenience, I have attached an entire copy of Judge Brueggemann's Order to this email. Please review the Order as it is germane to the allegations in your Complaint. If you read the attachment carefully, you will find that the Order addresses the entirety of your Complaint.

As previously stated, I shall address every factual assertion, argument, and request for relief in the Complaint you presented to Mr. Voss. I will formally respond to the Complaint in the next week or so as the matter is not governed by *K.R.S 61 et seq.* Even if it were, your failure to serve the presiding member of the Commission as required by *K.R.S. 61.846* and your service of the Complaint upon the City Attorney, Mr. Voss, also renders the time constraints in your request for relief inapplicable. If you have any questions, comments, or concerns, please do not hesitate to contact me. I look forward to working with you on this matter and have a good day.

Sincerely,

/s/ Jeffrey J. Otis

Jeffrey J. Otis
Attorney at Law

CC: Mayor Solomon
Hon. Greg D. Voss
City Commissioners
City Clerk