

KENTUCKY STATE FAIR BOARD

The Kentucky State Fair Board Special meeting began at 4:15 P.M. EDT, Wednesday, July 1, 2026. Chairman Ray Perry presided over the meeting at the Kentucky Exposition Center.

Members present: Mr. Ray Perry, Mr. Cleo Battle, Mr. Mike Berry, Mr. John Cox, Secretary Holly Johnson, Mr. Jeremiah Jury, Mr. Greg Pope, Mr. Hans Poppe, Mr. Dorsey Ridley, Mr. Lee Robey, Commissioner Jonathan Shell, Dr. Laura Stephenson

Absent: Ms. Sadiqa Reynolds, Mr. Garrett Zimmerman

Also present: Ms. Ellen Benzing, Kentucky Venues; Ms. Sarah Cronan, TAH Cabinet; Ms. Jessica Dunkelberger, Kentucky Venues; Mr. Sam Flynn, Office of the Governor; Mr. Matthew Johnson, Kentucky Venues; Mr. Sebastian Kitchen, TAH Cabinet; Mr. Travis Mayo, Office of the Governor; Ms. Lexie Ratterman, KY Venues; Ms. Donna Schneiter, TAH Cabinet; Ms. Kim Woolridge

CALL TO ORDER

The meeting was called to order at 4:15 P.M. on July 1, 2026, by Chairman Ray Perry. He thanked everyone for their attendance.

SWEARING IN OF NEW BOARD MEMBERS

Chairman Perry called on Ms. Faith Cummings to administer the Oath of Office to the new Kentucky State Fair Board members. Those members included:

- Mr. Ray Perry
- Mr. Mike Berry
- Mr. Cleo Battle
- Mr. John Cox
- Mr. Greg Pope
- Mr. Hans Poppe
- Mr. Dorsey Ridley
- Mr. Lee Robey

All accepted and were welcomed to the board.

ROLL CALL

Chairman Perry called on Ms. Jessica Dunkelberger to call roll. A quorum was present.

CLOSED SESSION

Chairman Perry called for the consideration of a motion to go into executive session under KRS 61.810(1)(f), which permits closed sessions for personnel discussions that may lead to the appointment, discipline, or dismissal of an employee, contractor or board member.

Before the motion was made, Commissioner Johnathan Shell requested permission to speak into the record. He commented that once the Court decision is finalized and the law is in place, if this makeup of the Board is final, he will be the biggest partner in the process. Members of the previous Board would confirm that the Kentucky Department of Agriculture and Kentucky Venues cannot function without each other. The Department will continue to do that and faithfully execute any duties to fulfill the roles that Kentucky Venues has.

Below is his official statement for the record:

"As a member of the State Fair Board under both HB 518 and the previous statutory framework, and on behalf of the people of the Commonwealth who duly elected me to represent and promote the interests of agriculture and horticulture in this state, I speak in opposition to the illegal motion that is being proposed by a body that is not legally constituted to exercise the authority of the State Fair Board.

On June 25, 2026, in a 4-3 decision, the Supreme Court of Kentucky rendered its decision that HB 518 is unconstitutional. I recognize that. However, under the Court's Rules of Appellate Procedure 40(G)(1), that decision is not final until "the 21st day after the date of its rendition unless a petition under RAP 43 has been timely filed or an extension of time has been granted for that purpose" here is a copy of the rule if anyone wants to read it. That means the decision does not have the force of law until, at the earliest, July 16, 2026. Further, as a party to the case, I have the right to submit a petition for rehearing under RAP 43 as provided by RAP40(G)(1), and I have instructed legal staff at the Department to review that option. If any party to the case files such a petition for rehearing, then the decision is not final until the Court denies the petition or, if the petition is granted and a new opinion is rendered, then that new opinion will become final 21 days after it is issued.

Just 6 months ago, this very Court, compromised of the same justices that rendered this decision, granted a motion for a rehearing in a case that examined the constitutionality of legislation passed by the General Assembly. Given this Court's recent decision to grant a petition for rehearing, it is not outside the realm of possibility that it will grant a similar petition in this case. The Governor's attempt to act before finality of this decision is an affront to the judicial process and is the very definition of lawlessness.

Until the decision becomes final, HB 518 remains the law, and those appointed to the Board under HB 518 are still the Board members. The Governor's ability to appoint new members to this Board does not take effect until, at the earliest, July 16. The people here today are not legally authorized to bind the Board. Moreover, even if the Governor did have the authority to make appointments prior to finality of this decision, it does not seem to me that he has complied with the version of KRS 247.090 in effect before HB 518. Both before and after HB 518, the appointments of the members of the state at large are to be made "with due consideration to geographical distribution throughout the state." The Governor's Executive Order purporting to appoint the state-at-large members says 4 of the 5 are from Louisville. That is in blatant disregard for the law he is supposed to faithfully execute. Further, both before and after HB 518, KRS 247.090 stated the General Assembly's intent is "that the political affiliation of the appointed members shall be as evenly divided as possible between the two (2) political parties polling the largest number of votes in the state at general elections." It is not readily apparent to me that the political affiliations of the new appointees comport with this provision of law.

Moreover, even if this Board was legally constituted, it has not complied with the Open Meetings Act in calling this special meeting. Specifically, KRS 61.823(4)(a) states "As soon as possible, written notice shall

be delivered personally, transmitted by facsimile machine, or mailed to every member of the public agency as well as each media organization which has filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting.” I did not receive official notice of this meeting until 5:30 P.M. last night, which is less than 24-hours notice. I do not know if notice was sent to the media and I do not know if notice and the agenda was posted in a conspicuous place in this building 24 hours before this meeting began. Regardless, because I was not given notice at least 24 hours before the start of this meeting, this special meeting is in violation of KRS 61.823(4)(a).

For all these reasons, I believe any action taken today by this illegally constituted Board at a meeting that does not comply with the Open Meetings Act would be the subject of litigation and wasted resources by the Board in defending those suits.

Finally, and putting aside the legalities of all this, I’m disheartened by the total chaos the Governor has chosen to initiate on the eve of what should be the greatest State Fair in Kentucky history. This event should not be about politics and egos. It should be about promoting the interests of agriculture and exhibiting Kentucky’s finest. The Board constituted under HB 518 conducted 5 flawless State Fairs and the employees and staff that have been working so hard on this upcoming fair should be permitted to continue their important work through this transition period given everything that is at stake.”

Commissioner Shell added that twice this Court has decided that the stay that was in place under the lower courts should still be valid until the ending of July 16th based on the legislative appointments that were given that they wrote in the stay was fully enacted for the rest of the Board, except for the legislative intent, the legislative appointees. With that, he acknowledged his statements into the record before going into an executive closed session. Even on the face of the West Law documents that were provided through the Court, it says that this opinion is not final and shall not be cited as authority in any courts of the commonwealth of Kentucky until July 16th.

Chairman Perry noted Commissioner Shell’s comments.

Chairman Perry called for a motion to go into Executive Session.

Secretary Holly Johnson moved, seconded by Mr. John Cox to:

“Go into Executive Session.” Chairman Perry called for a vote. Commissioner Shell voted nay. The motion carried.

OPEN SESSION

The Board returned to open session.

ACTION RELATED TO CLOSED SESSION

Chairman Perry commented that the Board went into Executive Session per KRS 618.10(1)(f) for the purposes of discussion of personnel that may lead to the appointment, discipline and dismissal of an individual employee, contractor or member. Yesterday, the Finance Cabinet Secretary determined that the renewal contract of the Kentucky State Fair Board President and CEO that was set to take effect today was void because it was entered into by a Board and under a statute that was declared unconstitutional by the Kentucky Supreme Court on June 25th.

The Board discussed the need to fill the vacant position with someone in an interim capacity.

Chairman Perry called for a motion to fill the position of President and CEO with an interim candidate.

Secretary Holly Johnson moved, seconded by Mr. Greg Pope to:

“Fill the position of Board President & CEO with Mr. Mike Berry in an interim capacity and enter into a contract as interim President at a compensation of \$250,000 per year.”

Mr. Travis Mayo, General Counsel, Office of the Governor, moved that the motion be clarified with the specifics of the interim appointment so that it is clear the motion is not to just appoint an interim President, but also who it is and the compensation to be set.

Secretary Johnson amended her motion to:

“Interimly appoint Mr. Berry as interim President & CEO at the salary of \$250,000 a year.”

Chairman Perry called for any discussion. Seeing none, he called for all those in favor to say aye, those opposed nay. Commissioner Shell voted nay. Dr. Laura Stephenson abstained. Mr. Mike Berry abstained. The ayes have it. The motion carried.

Commissioner Shell asked to explain his vote. He commented that his vote is in no way a reflection of Mr. Berry’s capabilities. He believes he is highly capable and will be great in this position in the interim. His nay vote is only reflective of the situation this Board is currently in. Chairman Perry understood.

The next regularly scheduled meeting is Thursday, July 23, 2026.

Mr. Mike Berry asked to address the Board. He began by thanking the Board for the confidence they have shown in him. He remarked that he had never fully understood the meaning of the word “interim” before, but said he intends to become very familiar with it, emphasizing that he fully expects his appointment to be temporary. Mr. Berry reflected on his long-standing relationship with the Kentucky State Fair, KEC and KICC during his time in tourism. He added that these facilities are longstanding and valuable partners in supporting tourism and economic activity within the community. He notes that this partnership has been especially clear through his more recent service in the Tourism Cabinet. He commented that it was an honor to be asked to serve in the interim leadership role.

Mr. Berry informed the board that because he had been appointed as a Board member and designated by the Governor as Vice Chair, he cannot simultaneously serve as both a Board member and an employee of the organization without creating a conflict of interest. Therefore, before entering into any employment contract for the interim CEO position, he stated that he will resign from his board position. He acknowledged that this transition brings some personal anxiety, noting that he has genuinely enjoyed serving on the board since approximately 2019.

Mr. Berry stated that he looks forward to contributing in whatever capacity he can to serve the Commonwealth of Kentucky, the Governor, the agricultural community, and the many people who care deeply about the facility and its mission.

Chairman Perry expressed appreciation for Mr. Berry’s willingness to serve. He thanked him for his service both to the Board and to the facility, emphasizing the importance of the work being done for the people of Kentucky.

ADJOURN

Chairman Perry called for a motion to adjourn.

Mr. Hans Poppe moved, seconded by Mr. Greg Pope, to:
"Adjourn the special meeting." The motion carried.

Dated: 7/23/26



Jessica Dunkelbeger, Recording Secretary



Ray Perry, Chair

