



COMMONWEALTH OF KENTUCKY
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OAG 08-002

April 24, 2008

Subject: Whether the Council on Postsecondary Education violated KRS 164.013 by failing to engage a search firm and conduct a national search prior to hiring its interim president as a permanent president.

Requested by: Governor Steven L. Beshear

Written by: Tad Thomas
Assistant Deputy Attorney General

Syllabus: The Council on Postsecondary Education was required by KRS 164.013 to reopen its national search prior to awarding its interim president a permanent position.

Statutes construed: KRS 164.013

OAGs cited: OAG 80-421, 99-OMD-049, 07-OMD-059, 05-OMD-011, 04-OMD-179, 99-OMD-133, 97-OMD-110, 04-OMD-179

Opinion of the Attorney General

On April 14, 2008, the Council on Postsecondary Education (hereinafter "Council" or "CPE") voted to contract with Mr. Bradford Cowgill to become the next president of the Council with the contract to become effective May 1, 2008. Mr. Cowgill had previously been selected as an interim president by a three-person search committee. The interim term took effect on September 1, 2007, and the interim appointment is set to terminate on April 30, 2008. On April 16, 2008, Governor Steven L. Beshear requested an opinion of the Attorney General pursuant to KRS 15.020, asking "whether the Council on Postsecondary Education is required under the law to conduct a national search for candidates for the posi-



