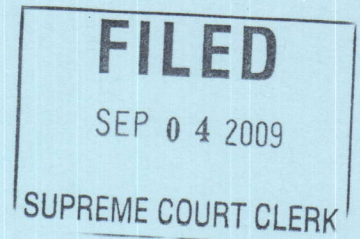


COMMONWEALTH OF KENTUCKY  
SUPREME COURT

No. 2009-SC-000066-TG  
(2009-CA-000219)



Virginia G. Fox

Appellant

v.

Trey Grayson, et al.

Appellees.

On Appeal From Franklin Circuit Court  
Honorable Thomas D. Wingate  
No. 08-CI-1426

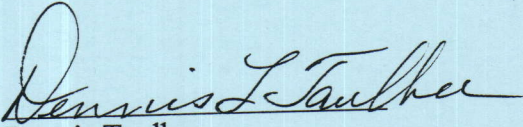
---

BRIEF OF APPELLEE PAM MILLER

---

Dennis Taulbee  
Council on Postsecondary Education  
1024 Capitol Center Dr.  
Suite 320  
Frankfort, KY 40601

I hereby certify that copies of this brief were served upon the following individuals by first class mail, this 4<sup>th</sup> day of September, 2009: The Honorable Thomas D. Wingate, Judge, Franklin Circuit Court, 214 St. Clair St., Frankfort, KY 40601; Paul E. Salamanca, 279 Cassidy Ave., Lexington, KY 40502; Angela Evans, Office of the Attorney General, 700 Capitol Ave., Rm. 118, Frankfort, KY 40601; Ellen M. Heslen & Edmund S. Sauer, Office of the Governor, 700 Capitol Ave., Rm. 101, Frankfort, KY 40601; Jack Conway, Attorney General of the Commonwealth of Kentucky, 700 Capitol Ave., Rm. 118, Frankfort, KY 40601. The undersigned certifies that Appellee Pam Miller did not withdraw the record on appeal from the office of the clerk for the Franklin Circuit Court.

  
Dennis Taulbee  
Counsel for Pam Miller

**STATEMENT CONCERNING ORAL ARGUMENT**

The Court indicated in its order granting transfer, dated April 23, 2009, that oral argument would be heard in this case. Appellee Pam Miller has no objection to the Court hearing oral argument.

**COUNTERSTATEMENT OF POINTS AND AUTHORITIES**

STATEMENT CONCERNING ORAL ARGUMENT.....i

COUNTERSTATEMENT OF THE CASE.....1

ARGUMENT.....1

CONCLUSION.....1

## COUNTERSTATEMENT OF THE CASE

Appellee Pam Miller accepts Appellee Governor Beshear's Counterstatement of the Case.

## ARGUMENT

Appellee Pam Miller adopts Appellee Governor Beshear's Argument explaining why her appointment to the Council on Postsecondary Education complied with all constitutional and statutory requirements.

## CONCLUSION

For the foregoing reasons, Appellee Pam Miller respectfully requests the Court to affirm the well-reasoned decision of the Franklin Circuit Court dismissing this case.

Respectfully submitted,



Dennis Taulbee  
Council on Postsecondary Education  
1024 Capitol Center Dr.  
Suite 320  
Frankfort, KY 40601

*Counsel for Appellee Pam Miller*