



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

21-ORD-001

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In re: Robert Kluttz/City of Beechwood Village

Summary: The City of Beechwood Village (“City”) did not violate the Open Records Act (“Act”).

Open Records Decision

Over a period of eleven months, Robert Kluttz (“Appellant”) has sought information related to business licensure fees collected by the City and an ethics board created by City ordinance. Rather than seeking records, the requests sought information and a hearing before the ethics board. After each request, the City timely responded to inform the Appellant that the ethics board does not exist because the City has been unable to find qualified volunteers to serve on it. Unsatisfied with the City’s responses, Appellant initiated this appeal.

Appellant objects to the City’s failure to answer certain questions he posed regarding business licensure fees. For example, Appellant asks why he must pay a business licensure fee and how the fees are used. In asking these questions, the Appellant seeks information and not records. But the Act does not require the City to respond to requests for information. *Dept. of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The ORA does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”); *see also* 20-ORD-098; 20-ORD-051; 16-ORD-091. For that reason, the City did not violate the Act.

Although the Appellant also objects to the City’s failure to establish an ethics board as required by city ordinance, the Attorney General is only authorized

to adjudicate disputes arising under the Act. KRS 61.880(2)(a). Because Appellant's complaint does not arise under the Act, this Office declines to render an opinion as to Appellant's objection. *See, e.g.,* 19-ORD-040 (declining to adjudicate legal issues unrelated to the Act and collecting similar decisions).

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceeding.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Robert Kluttz
Carrie Ritsert
Logan Griggs