



COMMONWEALTH OF KENTUCKY  
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**22-ORD-110**

May 23, 2022

In re: Christopher Cecil/Farmdale Water District

**Summary:** The Farmdale Water District (“the District”) did not violate the Open Records Act (“the Act”) when it did not answer a question pertaining to open records that did not contain an actual request to inspect records.

***Open Records Decision***

On April 12, 2022, Christopher Cecil (“Appellant”) sent a message to the District using an electronic contact form that asked only: “How do I request public records regarding Farmdale Water District services?” Having received no response from the District, the Appellant initiated this appeal on April 25, 2022.

To invoke the statutory right to inspect records, a resident of the Commonwealth must submit to the public agency a written and signed application “describing the records to be inspected.” KRS 61.872(2)(a). At a minimum, a request to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). Although a public agency must accept a request that complies with KRS 61.872(2) that has been submitted by e-mail, such a request must be submitted to “the e-mail address designated in the public agency’s rules and regulations adopted pursuant to KRS 61.876.” KRS 61.872(2)(b)4.

Here, the Appellant’s original communication to the District did not describe any records to be inspected, but merely asked how to make a request

for public records.<sup>1</sup> Moreover, the Appellant submitted his question through an electronic contact form to which general questions may be submitted to the District. There is no evidence that this electronic contact form is the e-mail address at which the District's official custodian of records accepts requests to inspect records. *See* KRS 61.872(2)(b)4. Therefore, the District did not violate the Act when it failed to answer the Appellant's question.<sup>2</sup>

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. 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 proceedings. The Attorney General will accept notice of the complaint e-mailed to OAGAppeals@ky.gov.

**Daniel Cameron**  
Attorney General

s/James M. Herrick  
James M. Herrick  
Assistant Attorney General

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<sup>1</sup> The Act does not require public agencies to answer questions or to fulfill requests for information. *See 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.”).

<sup>2</sup> The Appellant submitted his appeal on the standardized “Request to Inspect Public Records” form, promulgated by the Attorney General pursuant to KRS 61.876(4), which is available on the Attorney General’s website at <https://ag.ky.gov/Resources/orom/Pages/default.aspx> (last accessed May 23, 2022). On the form, the Appellant described the specific records he wished to inspect. In response to the appeal, the District states that it was previously unaware of the Appellant’s request for records but is “currently working” to provide the records to him. Thus, the Appellant’s first actual request to inspect records was on April 25, 2022, when he filed this appeal. Under KRS 61.880(1), the District had five business days from receipt of the request in which to provide the records or to deny the request. An appeal filed prior to the expiration of the agency’s time to respond is premature and consequently unperfected. *See, e.g.*, 20-ORD-189; 20-ORD-160; 19-ORD-200. For this reason, the District’s disposition of the Appellant’s request is not properly before this Office at this time.

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Christopher Cecil  
Scott Wooldridge, Commissioner  
Jan Sanders