



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-124

June 6, 2022

In re: Randall Knuckles/Knox County Fiscal Court

Summary: This Office cannot find that the Knox County Fiscal Court (the “Fiscal Court”) violated the Open Records Act (“the Act”) when it failed to respond within five business days to a request it claims it did not receive.

Open Records Decision

On April 18, 2022, Randall Knuckles (“Appellant”) claims to have mailed a request to the Fiscal Court to inspect “documents which show the Custodian of Properties for Knox County, KY.” The request was mailed to 401 Court Square, Barbourville, KY 40906. On May 3, 2022, having received no response from the Fiscal Court, the Appellant initiated this appeal.

On appeal, the Fiscal Court claims that it never received any request from the Appellant. The Fiscal Court invites the Appellant to email his request to knoxfiscalcourtopenrecords@barbourville.com. The Fiscal Court states that the Appellant may also mail his request to the Fiscal Court, but it did not provide the address at which the request may be mailed.^{1 2}

¹ Although the letterhead of the Fiscal Court’s response contains the same 401 Court Square address to which the Appellant claims to have mailed his request, the address also includes “Suite #6” and “P.O. Box 173.” Thus, it is unclear if the appropriate address must include the suite or P.O. Box number.

² The Fiscal Court’s website also displays the same 401 Court Square address to which the Appellant sent his initial request. However, the website does not appear to have any information as to the Fiscal Court’s procedures for requests under the Act, and lists the email

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” This Office has historically found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g.,* 22-ORD-100; 22-ORD-051; 21-ORD-163.

Here, the Appellant claims the Fiscal Court did not respond to his request within five business days and the Fiscal Court claims it did not receive that request. This Office is unable to resolve the factual dispute between the parties of whether the Fiscal Court received the Appellant’s request. Thus, this Office cannot find that the Fiscal Court violated the Act when it failed to respond within five business days to a request that it claims it did not receive.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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 emailed to OAGAppeals@ky.gov.

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Attorney General

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address “info@knoxfiscalcourt.com” as the only address. KRS 61.876(2)(b) requires an agency to display in a prominent location “[t]he mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made[.]”

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Distributed to:

Randall Knuckles

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