



COMMONWEALTH OF KENTUCKY
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23-ORD-098

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In re: Dennis Bell/McCracken County Judge-Executive

Summary: The McCracken County Judge-Executive did not violate the Open Records Act (“the Act”) when he directed the Appellant to the official custodian of the requested records.

Open Records Decision

Dennis Bell (“Appellant”) submitted a request to the Judge-Executive to inspect a specific search warrant signed by a district court judge. The Judge-Executive denied the request and told the Appellant he did not have custody of the requested records. The Judge-Executive then provided the Appellant with the name and contact information for the McCracken County Circuit Court Clerk. This appeal followed.

Under KRS 61.872(4), if “the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.” In his initial response, the Judge-Executive directed the Appellant to submit his request to the McCracken Circuit Court Clerk and provided her contact information.¹ Thus, the Judge-Executive did not violate the Act when he provided the name and address of the agency he believed to be the custodian of the records.

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 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

¹ In its response on appeal, the Judge-Executive informed the Appellant that the McCracken County Sheriff's Office may also possess the requested records and provided the Sheriff's mailing address.

action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
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s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

Dennis Bell
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