



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-140

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In re: Emily Vessels/Bullitt County Fiscal Court

Summary: The Bullitt County Fiscal Court (the “Fiscal Court”) violated the Open Records Act (“the Act”) when it failed to respond to a request to inspect records within five business days.

Open Records Decision

On May 2, 2023, Emily Vessels (“Appellant”) emailed a request to the Fiscal Court to inspect all documents created from September 1, 2022 to the date of the request related to a specific limited liability company and a specific property. Having received no response by May 23, 2023, the Appellant initiated this appeal.

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.” On appeal, the Fiscal Court admits it failed to respond within five business days of receiving the request. Accordingly, it violated the Act.¹

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

¹ After the appeal was initiated, the Fiscal Court responded and provided responsive records. The Appellant claims the Fiscal Court has not provided all records responsive to the request, but the Fiscal Court insists that it has. The Office cannot resolve factual dispute such as these, where the parties dispute whether all responsive records have been provided. *See, e.g.*, 23-ORD-113; 22-ORD-261; 22-ORD-010; 19-ORD-083 (stating the Office cannot “resolve the factual dispute between the parties regarding the disparity between records which have been provided and those sought but not provided”).

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.

Daniel Cameron
Attorney General

s/ Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Emily Vessels
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