



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**23-ORD-175**

July 18, 2023

In re: Paul Olivia/Lexington–Fayette Urban County Government

**Summary:** This Office cannot find that the Lexington–Fayette Urban County Government (“the City”) violated the Open Records Act (“the Act”) when it provided what the Appellant considered to be an incomplete record.

***Open Records Decision***

Paul Olivia (“Appellant”) submitted a request to the City seeking all emails containing the phrase “Lex Have Pride” sent or received by four members of the Lexington–Fayette Urban County Council and all “Aides to Council.” The City provided what it considered to be responsive records for three of the councilmembers. This appeal followed.

After this appeal was initiated, the City located additional records and provided them to the Appellant. However, the Appellant maintains that the City still has not provided all requested records. This Office cannot resolve factual disputes between a requester and a public agency about whether all responsive records have been produced. *See, e.g.*, 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Consequently, this Office is unable to find that the City violated the act when it provided what it claims are all the responsive records it possesses.

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. 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](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
**Attorney General**

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

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Distributed to:

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