



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-229

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In re: Reggie Williamson/Pike County Fiscal Court

Summary: The Pike County Fiscal Court (the “Fiscal Court”) violated the Open Records Act (“the Act”) when it failed to properly respond to a request to inspect records within five business days. The Office cannot find the Fiscal Court violated the Act when it provided what the requester considers to be an incomplete record.

Open Records Decision

On October 18, 2022, Reggie Williamson (“Appellant”) submitted a request to the Fiscal Court to inspect “public records which would include the name of the individual, or individuals, who petitioned for [a] road to be paved with black top” and “showing the name(s) of the individual who signed to take the road into the county system.” In response, the Fiscal Court provided what it considered to be all responsive records. On March 10, 2023, the Appellant submitted a second request, which sought both the same records as the October 18 request and “a copy of the Pike County Fiscal Court meeting prior to December 16, 1985” where the first reading of a motion to accept a specific road into the Pike County road system was made. On July 26, 2023, having received no further response from the Fiscal Court, 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.” Here, the Appellant claims he submitted his second request on March 10, but had not received a response as of July 26. In response, the Fiscal Court has not claimed it responded

to, or failed to receive, the March 10 request. Thus, the Fiscal Court violated the Act when it failed to respond to the Appellant's March 10 request within five business days.

The Appellant also claims he has “not been allowed to see the [records] that [he has] asked to see.” The Fiscal Court asserts it has provided all responsive records and “no other documents” exist. The Office has long held that it cannot resolve factual disputes about whether all records responsive to a request have been provided, or whether requested records should contain additional content. *See, e.g.*, 23-ORD-027; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Accordingly, the Office is unable to find the Fiscal Court violated the Act when it provided what it considered to be all records responsive to the Appellant’s request.

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.

Daniel Cameron
Attorney General

s/ Zachary M. Zimmerer
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Distributed to:

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