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24-ORD-037

February 14, 2024

In re: Curtis Cornett/Letcher County Fiscal Court

**Summary:** The Letcher County Fiscal Court (“Fiscal Court”) did not violate the Open Records Act (“the Act”) when it denied two requests seeking information without describing any public records to be inspected.

***Open Records Decision***

Curtis Cornett (“Appellant”) submitted two requests to the Fiscal Court on September 11, 2023, and November 17, 2023, respectively. The first request asked, “What is the plan for restor[ation] of the Blackey Community Center and what is its status?” The second request claimed a “FEMA Public Notice . . . stated that force accounts and/or contracts for demolition and reconstruction of the Blackey Community Center will be utilized,” and asked, “Has this happened?”, “Are you overseeing or managing this effort?”, and “What is the current status of the Blackey Community Center?” In timely responses to both requests, the Fiscal Court stated it does not possess records responsive to the Appellant’s requests. This appeal followed.

On appeal, the Fiscal Court clarifies that it does not possess responsive records because the Appellant did not request records. Rather, he requested information. The Appellant’s first request asked the Fiscal Court whether it had a “plan” to restore a building and, if so, to describe its “status.” His second request asked the Fiscal Court to confirm that a specified event occurred and whether the Fiscal Court was “overseeing” that event, and to describe “the status” of the building restoration. These requests do not describe public records to be inspected, but rather, seek information. *See, e.g.*, 23-ORD-257 (requester asked for “the full names” of correctional officers on duty at a specific time); 22-ORD-054 (requester asked “who ordered” a letter to be written, how much the author was paid, and “why” the letter “was circulated”). The Act does not require public agencies to answer interrogatories or fulfill requests

for information. Rather, it only requires public agencies to *produce public records* for inspection. See KRS 61.872(2)(a) (requiring a request to inspect records to include, *inter alia*, a description of “the records to be inspected”); *Dep’t of Revenue v. Eifler*, 436 S.W.3d 530, 534 (Ky. App. 2013) (“The [Act] does not dictate that public agencies must gather and supply information not regularly kept as part of its records.”). Accordingly, the Fiscal Court did not violate the Act when it denied the Appellant’s requests because they did not describe any public records to be inspected.

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).

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
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Distributed to:

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