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24-ORD-091

April 3, 2024

In re: Jason Easley/Breckenridge County Dispatch

Summary: The Breckenridge County Dispatch (the “County Dispatch”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act.

Open Records Decision

On March 1, 2024, Jason Easley (“Appellant”) submitted a request to the County Dispatch for copies of “the dispatch logs” from the previous four months related to two units. On March 12, 2024, having received no response from the County Dispatch, the Appellant initiated this appeal.¹

When a public agency receives a request to inspect records, that agency must decide within five business days “whether to comply with the request” and notify the requester “of its decision.” KRS 61.880(1). Here, the Appellant submitted a request to the County Dispatch, to which it does not dispute it failed to respond. Thus, the County Dispatch violated the Act.

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.

¹ On appeal, the Appellant also asserts that he was “told that [he] would have to have other council members call dispatch and have their names put on the open records even though they had nothing to do with the open records request.” However, he does not provide the communication to which he refers or any further details regarding that communication. Regardless, the County Dispatch has now made the requested records available to the Appellant, and therefore, any dispute regarding this issue is now moot.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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