



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-121

May 16, 2024

In re: Brett McDonald/City of Gratz

Summary: The City of Gratz (the “City”) violated the Open Records Act (“the Act”) when it failed to respond to a request to inspect records.

Open Records Decision

Brett McDonald (“Appellant”) submitted a request to the City for various records related to tax collection and all the City council’s meeting minutes from 2012 to the present. The Appellant submitted his request to the email addresses associated with the City Clerk and the Mayor.¹ Although he received an automatic message that the email address associated with the Mayor was no longer valid, he received no indication that his email to the City Clerk failed to deliver. Having received no response to his request, 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.” The City, however, did not respond to the Appellant’s request or provide a response to this appeal.² Because the City has not contested the Appellant’s allegation or otherwise

¹ Although every public agency is required to post on its website the contact information, including the email address, of its official records custodian, KRS 61.876(2)(b), it does not appear the City has a website. However, the Department for Local Government website lists an email address for the City’s official contact, the City Clerk. See https://kydlgweb.ky.gov/Cities/16_CityView.cfm?City_ID=166 (last accessed May 16, 2024). The Appellant submitted his request to that email address.

² The Office sent notice of the appeal, which included a copy of the Appellant’s request, to both the City Clerk’s email address and the City’s mailing address, 57 Harlan Street, Gratz, Kentucky 40359.

responded to the appeal, the Office finds it violated the Act by failing to respond to the Appellant's request.³

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.

Russell Coleman
Attorney General

/s/ Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Brett McDonald
Larry Goodrich
Vera Goodrich

³ The Appellant also complains that the City does not conduct any meetings and that he has been unable to contact anyone at the City to contest its assessment of taxes against him. These issues, however, are outside the scope of this Office's review under KRS 61.880(2)(a).