



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-123

May 16, 2024

In re: Krystal Justice/City of Hodgenville

Summary: The Office is unable to find that the City of Hodgenville (the “City”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties about whether the City received a request to inspect records.

Open Records Decision

Krystal Justice (“Appellant”) claims that on April 15, 2024, she submitted a request to the City for “[a]ny reports or body camera footage with audio of a traffic stop involving” an identified person at 10:00 p.m. on April 13, 2024. On April 23, 2024, having received no response from the City, the Appellant initiated this appeal.

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.” KRS 61.880(1). The Office has found it cannot resolve factual disputes between parties, such as whether an agency received a request to inspect records. *See, e.g.,* 23-ORD-303; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163.

Here, the Appellant claims she submitted a request to the City on April 15, 2024, but she did not receive a response.¹ On appeal, the City claims it does not “recall seeing the Open Records Request,” but now claims it has provided the Appellant with the requested records. The Office is unable to resolve the factual dispute between the

¹ As proof, on appeal, the Appellant provides a screen capture of blank form from the online portal she used to submit her request. The Appellant also admits that the online portal “does not give [a] confirmation email that it has been submitted” but that in the past she has submitted “numerous open records requests” and “never had an issue with this until now.”

parties about whether the City received the Appellant's request to inspect records or find that it 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#211

Distributed to:

Krystal Justice
Jim Phelps, Mayor
John Nicholas