



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-142

June 18, 2024

In re: Ty Adam Mullins/Boone County Conservation District

Summary: The Office cannot find that the Boone County Conservation District (“the District”) violated the Open Records Act (“the Act”) when it provided what the Appellant considered to be an incomplete record.

Open Records Decision

On July 19, 2023, Ty Adam Mullins (“Appellant”) submitted a request to the District for “letters from [the District] in regard[] to land acquisition request[s] made by [the District] over the last six years,” “copies of meeting minutes for June 2023 and July 2023,” and “copies of any on going [sic] study/test results of the ongoing stream mitigation along” a specific creek. In a timely response, the District granted the request and provided the Appellant with responsive records.¹ Subsequently, on May 22, 2024, the Appellant initiated this appeal.

The Appellant complains that the District has “claim[ed] [it is] only required to keep [two] years of records and [refuses] to fill open records request[s].”² In response, the District asserts it “responded to [the Appellant’s] requests for open records and provided information he requested in a timely manner.” The Office has consistently held that it cannot resolve factual disputes between a requester and a public agency about whether all responsive records have been produced. *See, e.g.*, 23-ORD-175; 22-

¹ The District also stated that its July 2023 minutes would not be approved until its August 2023 meeting and it would provide those minutes to the Appellant after its August 2023 meeting. *See* KRS 61.835 (providing that meeting minutes “shall be open to public inspection . . . no later than immediately following the next meeting of the body.”) The Appellant has not challenged this portion of the District’s response.

² The Appellant has not provided the Office with a copy of a response in which the District claimed it is only required to keep two years of records or refused to grant a request for records. Rather, the District’s response provided by the Appellant granted the Appellant’s request. Thus, whether the District violated the Act by claiming it is only required to keep two years of records or by refusing to grant requests for records is not properly before the Office. *See* KRS 61.880(2)(a).

ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Consequently, the Office is unable to find the District violated the Act when it provided what it claims to be all responsive records it possesses.

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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