



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-089

April 1, 2025

In re: Tiffany Phipps/City of Pikeville

Summary: The City of Pikeville (“the City”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records within five business days of receipt or otherwise notify the requester of the proper email address to submit her requests.

Open Records Decision

On February 3, 2025, Tiffany Phipps (“Appellant”) submitted a request to the City seeking “all records, phone calls, dispatch calls, jail calls, audio and video/bodycam recordings as well as all incident and arrests records” related to a specific individual or phone number. Having received no response to her request by March 3, 2025, the Appellant initiated this appeal.

The City is correct that the method by which the Appellant submitted her request did not comply with the Act. If a person chooses to submit her request by email, she must send the email “to the public agency’s official custodian of public records or his or her designee at the e-mail address designated in the public agency’s rules and regulations.” KRS 61.872(2)(b)4.¹ Here, the Appellant submitted her request to a different email address listed elsewhere on the City’s website. However, under KRS 61.872(4), “[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency’s public records.” Thus, even though the Appellant did not comply with

¹ The City’s website states that requests for records may be submitted by email to its official records custodian. See Open Records Request, available at <https://pikevilleky.gov/wp-content/uploads/2023/10/Open-Record-Request.pdf> (last visited March 25, 2025).

KRS 61.872(2)(b)4. because she emailed her request to the wrong email address,² the owner of the email address to whom the request was directed should have informed the Appellant of the proper email address to use when submitting her request. Instead, the City ignored the Appellant's emails completely. Thus, the City violated KRS 61.872(4) when it failed to inform the Appellant of the proper email address to use for submitting her 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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Tiffany Phipps
Robbi Bentley

² The City does not claim that the email address to which the request was directed is inactive or otherwise not currently in use.

³ On appeal, the City states that it is "working on getting the documents together and will have those sent in the next few days."