



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-115

May 2, 2025

In re: Kurt Wallace/Bullitt County Detention Center

Summary: The Bullitt County Detention Center (“the Jail”) did not violate the Open Records Act (“the Act”) when it failed to respond to a request for records within five business days due to closures caused by extreme weather conditions. But the Jail violated the Act when it failed to display its rules and regulations pertaining to public records or contact information for its records custodian on its website, as required by KRS 61.876(2).

Open Records Decision

On March 31, 2025, at 8:35 p.m., Kurt Wallace (“the Appellant”) submitted a 40-part request to the Jail for records relating, for the most part, to his detention on January 28 and 29, 2025. Having received no response by April 10, 2025, the Appellant initiated this appeal.

Within five business days after receiving a request to inspect records, a public agency must decide whether to grant or deny the request and notify the requester of its decision. KRS 61.880(1). Here, the Appellant’s request was emailed after business hours on March 31, 2025, and received by the Jail on the following business day, April 1, 2025. *See, e.g.*, 21-ORD-113. As such, the Jail’s response was due on April 8, 2025. On appeal, the Jail does not deny it did not issue a response to the request within five business days. However, the Bullitt County Attorney, who responded to the appeal on behalf of the Jail, explains that her office was closed from April 7 to April 10, 2025, due to flood conditions.¹ On April 11, 2025, the County Attorney stated that she had gathered responsive records and invited the Appellant to pick them up on April 14, 2025.

¹ The Office notes that Bullitt County experienced historic flooding during the week in question. *See, e.g.*, https://www.wdrb.com/news/bullitt-county-flooding-worst-since-1997-as-salt-river-crests-near-37-feet/article_ebd2f60e-8448-45f9-92da-a68937f95395.html (last accessed April 30, 2025).

The Act requires a public agency to respond to a request for records “within five (5) days, excepting *Saturdays, Sundays, and legal holidays*, after the receipt of any such request.” KRS 61.880(1) (emphasis added). But in computing any deadline under the Act, “[t]he last day of the period so computed is to be included, unless it is . . . a day on which the public office . . . is *actually and legally closed*, in which event the period runs until the end of the next day which is not one (1) of the days just mentioned.” KRS 446.030(1)(a) (emphasis added). The County Attorney, responding on behalf of the Jail, explained that, between April 7 and 10, 2025, both the Jail and the County Attorney’s Office were legally closed after states of emergency were declared by the Governor and the Bullitt County Judge/Executive. Further, the County Attorney explains that multiple roadways were “closed by the Commonwealth” due to the flooding, which made access to the Jail and County Attorney’s Office impossible. Accordingly, the Office is satisfied that when the Jail and County Attorney’s Office were closed due to flooding on April 8 to 10, it was “actually and legally closed.” Therefore, the deadline for the County Attorney to respond to the Appellant’s request was extended to April 11. On behalf of the Jail, the County Attorney responded on that date, and the records were made available to the Appellant.² Thus, the Jail did not violate the Act when it made responsive records available to the Appellant on April 11, 2025.³

The Appellant further claims the Jail violated the Act by failing to display certain information on its website relating to open records. Under KRS 61.876(2), “[e]ach public agency” is required to “display in a prominent location accessible to the public, including on its Web site,” information including a “copy of its rules and regulations pertaining to public records” and the “mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made.” According to the Appellant, the Jail’s website⁴ displays neither the applicable rules and regulations nor the required information about its records custodian. The Jail, on appeal, has not contested the Appellant’s allegations. Because the Jail’s website does not display its rules and regulations pertaining to public records, as required by KRS 61.876(2)(a), or the contact information for its records custodian, as required by KRS 61.876(2)(b), the Jail violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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.

² The Appellant picked up the responsive records on April 14, 2025.

³ The substance of the Jail’s final response is not at issue in this appeal.

⁴ See <http://www.bullittdetention.com> (last accessed April 30, 2025).

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Distributed to:

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