



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-175

July 14, 2025

In re: Mark Wilson/City of Glencoe City Council Recreation Committee

**Summary:** The Office cannot find that the City of Glencoe City Council Recreation Committee (“the Committee”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties regarding what records the Committee possesses and whether they were made available for inspection.

### *Open Records Decision*

On May 27, 2025, Mark Wilson<sup>1</sup> (“Appellant”) submitted, by mail, a request to the Committee. That request sought “[a]ll records on file for” the Committee and asked for the identity of the individuals who serve on the Committee. On May 30, 2025, the Committee chairperson issued a response identifying the committee members and stating that the request had been received on that day and that it would take 10 business days to compile the records due to the nature of the request and because the City Clerk was unavailable.<sup>2</sup> The Committee chairperson further stated that she would provide the Appellant with records “the next time the city clerk is at the city building.” On June 3, 2025, 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).

On appeal, the Committee explains that, although it had previously stated it would take 10 business days to provide the records, it informed the Appellant on June 3 that the records would be available for inspection on June 4. The Committee further

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<sup>1</sup> The Appellant is the mayor of the City of Glencoe.

<sup>2</sup> The Committee later explained that the City Clerk was experiencing a medical issue.

explains that the Appellant “has never appeared to inspect the records” but they “remain available for” his inspection. For his part, the Appellant agrees he did not inspect the records on June 4 but maintains that he has not been provided with all records requested and that some records provided are “emails [he] never sought.” Thus, a factual dispute exists between the parties regarding whether the requested records were made available to the Appellant or whether the records made available were those he requested.

The Office has regularly found it is unable to resolve factual disputes between the parties to an appeal under KRS 61.880(2)(a), including disputes about whether the requested records were actually made available to the requester. *See, e.g.*, 23-ORD-220 (the Office cannot resolve a factual dispute regarding whether a requester received a public agency’s response to a request); 22-ORD-010 (the Office is unable to resolve a factual dispute between the parties regarding whether the records that have been provided are different from those records sought); 19-ORD-083 (stating this Office cannot “resolve the factual dispute between the parties regarding the disparity between records which have been provided and those sought but not provided”). Similarly, here, the Office cannot resolve the factual dispute between the parties as to whether the Committee made the records available to the Appellant because the Office cannot make a factual finding about what records the Committee possesses and whether they were made available for inspection. As a result, the Office cannot find that the Committee 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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
**Attorney General**

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

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Distributed to:

Mark Wilson, Mayor, City of Glencoe

Amy Williams, Chair, City of Glencoe City Council Recreation Committee

Garry Edmondson, City Attorney, City of Glencoe