



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-176

July 14, 2025

In re: Bartley McQueary/City of Olive Hill

**Summary:** The Office is unable to find that the City of Olive Hill (the “City”) violated the Open Records Act (“the Act”), because the Office is unable to resolve the factual dispute between the parties.

### *Open Records Decision*

On June 6, 2025, Bartley McQueary (“Appellant”) submitted a request to the City for two categories of records.<sup>1</sup> On June 17, 2025, having yet to receive a response from the City the Appellant initiated this appeal.

Under KRS 61.880(1), 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.” Here, the Appellant claims that he submitted his request to the City on June 6, 2025, and that he never received any response from the City. On appeal, the City asserts that it received the Appellant’s request on June 6, 2025, and issued a response the same day. As proof, the City provides a copy of a response dated June 6, partially granting his request, and a time stamped email in which it claims to have transmitted the response to the Appellant.

The Office has routinely found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request or whether an agency received a request. *See, e.g.*, 24-ORD-184 (factual dispute as to whether an agency received a request); 23-ORD-276 (factual

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<sup>1</sup> First, the Appellant requested the “Employment Application and Resume” of a specific City employee. Second, the Appellant requested the “Payroll Records” of the same City employee “for the month of May 2025, including salary information.”

dispute as to whether a requester received a response to his request). Accordingly, the Office cannot find the City violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the City's response to his June 6 request.<sup>2</sup>

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:

Bartley McQueary  
Steff Thomas  
Jerry Callihan

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<sup>2</sup> In its June 6 response, the City granted and denied the Appellant's request in part and stated that it would make the "non-exempt records" available to him such as "[r]edacted salary documentation." The City partially denied the Appellant's request under KRS 61.878(1)(a), because certain records contain "information of a personal nature, where the public disclosure would constitute a clearly unwarranted invasion of personal privacy." Because this appeal was brought due to an alleged failure to respond, the adequacy of the City's June 6 response is not ripe for review. *See, e.g.*, 23-ORD-135 n.3.