



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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**25-ORD-199**

July 28, 2025

In re: Kurt Wallace/Bullitt County Fiscal Court

**Summary:** The Bullitt County Fiscal Court (“the Fiscal Court”) violated the Open Records Act (“the Act”), when it failed to issue a response to a request for records within five business days.

### *Open Records Decision*

On May 30, 2025, Kurt Wallace (“Appellant”) submitted a 46-part request for records to the Fiscal Court. On June 30, 2025, having yet to receive a response, 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 submitted his request to the Fiscal Court on May 30, 2025, but had not received a response as of June 30, 2025. On appeal, the Fiscal Court states that the Appellant’s request “was inadvertently overlooked.” Thus, the Fiscal Court violated the Act when it failed to respond to the Appellant’s request within five business days.<sup>1</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

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<sup>1</sup> In its July 7 response, the Fiscal Court granted the Appellant’s request in part and denied it in part, stating which parts of the request it was granting, whether it possesses records responsive to each such part, or that the part was being denied due to a specific exemption. Because this appeal was brought due to an alleged failure to respond, the adequacy of the Fiscal Court’s July 7 response is not ripe for review. *See, e.g.*, 23-ORD-135 n.3.

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:

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