



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-274

September 26, 2025

In re: Nathan Torian/City of Paducah

**Summary:** The Office cannot find that the City of Paducah (“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 August 26, 2025, Nathan Torian (“Appellant”) submitted a request to the City for records related to his termination and the termination of other “similarly situated employees.” On September 4, 2025, having received no 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 submitted his request to the City on August 26, 2025, but had not received a response as of September 4, 2025. On appeal, the City asserts that, “[o]n the fifth business day,” the City “sent [the Appellant] a response to his Open Records Request.” However, the City explains that, “due to a glitch in the computer system, the email [containing the response] stalled in the outgoing box and was not delivered” to the Appellant.<sup>1</sup> Thus, the City asserts that it believed it had issued a timely response to the Appellant.

The Office cannot resolve factual disputes, such as when an agency issued a response or whether the response was received. *See, e.g.*, 24-ORD-040. Furthermore,

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<sup>1</sup> As proof, the City provides a copy of its response, which it claims it emailed to the Appellant, and two affidavits of employees attesting to the City’s factual assertions.

here, it appears the City did issue a timely response that was not delivered, but only because of “a glitch in the computer system.” *See, e.g.*, 25-ORD-067 (declining to resolve the factual dispute regarding whether the agency knew its response was sent to an incorrect email address); 23-ORD-315 (same). Accordingly, the Office cannot find that the City violated the Act by failing to issue a timely response.

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/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

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