



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-288

September 30, 2025

In re: Travis Bush/Kenton County Clerk's Office

Summary: The Kenton County Clerk's Office ("the Clerk's Office") violated the Open Records Act ("the Act") when it did not issue a response that complied with KRS 61.880(1).

Open Records Decision

Travis Bush ("the Appellant") sought from the Clerk's Office a copy of the vehicle registration for a particular vehicle he says was registered to him. He included a check as payment and stated that any leftover funds could be donated "to the court." Bringing this appeal, the Appellant claims that, rather than issue a written response, the Clerk's Office returned his request to him.

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." When a public agency denies a request to inspect records, it must provide "a brief explanation of how the exception applies to the record withheld." KRS 61.880(1).

On appeal, the Clerk's Office explains that because it receives a "high volume of requests" like the Appellant's, its "normal protocol is to respond by letter requesting that the individual call the office so [it] can explain the process of obtaining a copy of their registration. The Clerk's Office further states that it "assumes" the Appellant "received a similar letter," but it cannot "confirm that one was sent since a copy of the response was not kept."

Based on the Clerk's Office's response, it is apparent that it either did not issue any written response to the Appellant's request at all, or it issued a written response which instructed the Appellant to call its office instead of citing and explaining the exemption authorizing withholding the records. Because the Appellant's request explicitly stated he was seeking records under the Act, the Clerk's Office was required

to respond as required by KRS 61.880(1). Even though the Office cannot resolve the factual issue regarding whether the Clerk's Office failed to issue a written response at all, or merely issued a written response that did not comply with the Act, *see, e.g.*, 22-ORD-010, either way, the Office can find that the Clerk's Office did not comply with KRS 61.880(1). Accordingly, the Clerk's Office violated the Act when it did not comply with KRS 61.880(1) in responding to a request.

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

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Distributed to:

Travis Bush
Gabrielle Summe, Kenton County Clerk
Stacy Tapke, Kenton County Attorney