



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-295

October 2, 2025

In re: Randall Knuckles/Bell County Fiscal Court

Summary: The Bell County Fiscal Court (“the Fiscal Court”) subverted the intent of the Open Records Act (“the Act”), within the meaning of KRS 61.880(4), by delaying access to requested records beyond five business days from receipt of the request.

Open Records Decision

On June 26, 2025, Randall Knuckles (“the Appellant”) submitted a request to the Fiscal Court for the “listing of all roads in the Bell County Road System.” On July 3, 2025, the Fiscal Court stated that the “requested information” would be made available “within 14 business days.” Having received no further response from the Fiscal Court by September 2, 2025, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. This period may be extended if the records are “in active use, in storage or not otherwise available,” but the agency must give “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5). Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time.”

Here, the Fiscal Court notified the Appellant that the records would be made available on or before July 24, 2025, 14 business days after its initial response. However, as of September 2, 2025, the Fiscal Court had not provided any of the requested records. On appeal, the Fiscal Court explains that it “forgot” to issue its final response. The Office has found that a public agency does not comply with KRS 61.872(5) when it notifies the requester of the earliest date on which requested records would be available but then misses its self-imposed deadline. *See, e.g.*, 25-ORD-086; 23-ORD-079; 21-ORD-011. As a result, the Fiscal Court subverted the

intent of the Act by delay and excessive extensions of time, within the meaning of KRS 61.880(4), when it failed to make a final disposition of the Appellant's request by the date on which it said the records would be made available.

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

#487

Distributed to:

Randall Knuckles
Albey Brock, Bell County Judge/Executive
Christopher Douglas, Bell County Attorney