



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-330

October 20, 2025

In re: Randall Weddle/City of London

Summary: The Office cannot find that the City of London (“the City”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties as to whether the City received the request for records.

Open Records Decision

On September 11, 2025, Randall Weddle (“Appellant”), through counsel, submitted a request to the City seeking “all emails and text messages on city-owned devices, personal cell phones, and that may be contained in personal email accounts” related to “(1) the appointment of Ms. Tracie Handley as mayor; (2) the removal proceedings that occurred on September 5, 2025; (3) the scheduling of the special called meetings in August 2025”; and (4) “the drafting of the charges of removal.” Having received no response by September 22, 2025, 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 September 11, 2025, and that he never received any response from the City. Specifically, the Appellant states that his request was sent to the City Attorney and to the City Council’s attorney.

For its part, the City states that it has no record of receiving the Appellant’s request. According to the City, neither its record custodian nor counsel for the City

Council received the Appellant's request.¹ The City further explains that the City Attorney was dismissed from that position on September 15, 2025, and had not identified the Appellant's request as a matter he was working on prior to his dismissal.

The Office has consistently found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g.*, 24-ORD-184 (factual dispute as to whether an agency received a request); 23-ORD-092; 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. 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 City received the Appellant's request.²

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:

¹ The City provided an affidavit signed by its records custodian stating she did not receive the Appellant's request prior to notice of this appeal.

² After this appeal was initiated, the City 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 and because the Appellant has not objected to the City's response, the adequacy of the City's response is not ripe for review. *See, e.g.*, 23-ORD-135 n.3.

Carmine Iaccarino, Esq.

Randall Weddle, Mayor, City of London

Ashley Taylor, London City Clerk

Kelly Green, Presiding Chair, London City Council

Conrad Cessna Esq., Counsel, London City Council