



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-352

November 6, 2025

In re: Jordan Wainscott/City of Elsmere

Summary: The Office cannot find that the City of Elsmere (“the City”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On October 2, 2025, Jordan Wainscott (“Appellant”) submitted a request to the City for police reports, CAD reports, or written complaints in which he is “listed as a subject, alleged offender, or a named involved party.” The Appellant further specified that he sought “reports relating to alleged incidents of Harassment, Harassing Communications, Stalking, or a Request for Service” that were filed by three named individuals. On October 13, 2025, claiming he had yet to receive a 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.” According to the Appellant, on October 13, 2025, he had yet to receive a response to his October 2, 2025, request.

For its part, the City states that it received the Appellant’s request on October 3, 2025, and on October 8, 2025, mailed its response and the responsive records by U.S. Mail. As proof, the City provides a copy of a response dated October 7, 2025.¹ The Office has consistently found that it is unable to resolve factual disputes between

¹ The City redacted the responsive records “[i]n accordance with KRS 61.878(1)(a) . . . due to the personal nature of information, as it would constitute an unwarranted invasion of privacy.”

a requester and a public agency, such as whether a requester received a response to his request. *See, e.g.*, 23-ORD-276. Similarly, here, the Office cannot find the City violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the City's response to his October 2 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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Jordan Wainscott
Michelle Robinson-Wilson
Greg D. Voss

² The City also states that it has alternatively attempted to produce the records by email and, again, by U.S. Mail for a second time. The Appellant confirmed that he did receive the records on October 21, 2025.