



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-367

November 20, 2025

In re: Timothy Mayer/Henry County Attorney's Office

Summary: The Henry County Attorney's Office ("the County Attorney's Office") violated the Open Records Act ("the Act") when it did not timely respond to a request for records. The County Attorney's Office did not violate the Act when it did not display the information required by KRS 61.876(2) online because it does not maintain a website.

Open Records Decision

On September 5, 2025, Timothy Mayer ("Appellant") submitted a request, by mail, to the County Attorney's Office seeking a copy of a certain letter to a named individual. The letter had been sent in advance of the July 15, 2025, Henry County Fiscal Court meeting and the Henry County Attorney referred to the letter during the meeting. On October 22, 2025, having received no response from the County Attorney's Office, 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." On appeal, the County Attorney's Office admits that it "failed to respond timely within five" business days. Accordingly, the Office concludes that the County Attorney's Office violated the Act when it did not timely respond to the Appellant's request.

The Appellant also claims the County Attorney's Office violated the Act by failing to display information on its website relating to open records. Under

KRS 61.876(2), “[e]ach public agency” is required to display certain information¹ “in a prominent location accessible to the public, *including on its Web site*” (emphasis added).

The Appellant argues the County Attorney’s Office has violated the Act by not posting the information on a website that is accessible by the public. For its part, the County Attorney’s Office argues the Act does not require it to “maintain an individual public web site” and the text of KRS 61.876(2) requires that there already be “a web site in existence.”

The Office agrees with the County Attorney’s Office. The requirement of KRS 61.876(2) that certain information be displayed on a website presumes that a public agency currently maintains a public website. It does not require all public agencies subject to the Act to create a website for the sole purpose of displaying the information required by KRS 61.876(2). Here, both parties agree that the County Attorney’s Office does not maintain a website. As a result, KRS 61.876(2) requires only that it display the required information “in a prominent location accessible to the public.” Thus, the County Attorney’s Office did not violate the Act when it did not display the information required by KRS 61.876(2) online.

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

¹ That information includes a “copy of its rules and regulations pertaining to public records” and the “mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made.” KRS 61.876(2).

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Distributed to:

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