



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-006

January 12, 2026

In re: Kurt Wallace/Hillview Police Department

Summary: The Office is unable to find that the Hillview Police Department (“the Department”) violated the Open Records Act (“the Act”), because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

Kurt Wallace (“the Appellant”) claims that on November 21, 2025, he submitted a request to the Department in eight parts seeking records related to specific incidents. On December 8, 2025, having received no response from the Department, 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 November 21, 2025, the Appellant submitted his request to the Department, and as of December 8, 2025, he had yet to receive a response. On appeal, the Department states it did not respond to the request because it received it “for the first time . . . with the notice of this appeal.”¹

The Office has previously found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a

¹ The Department also states that the email address to which the Appellant submitted his request is an “internal communication list” used for its “officers to quickly reach the rest of the department” and “is not published nor intended for use by the general public.”

request. *See, e.g.*, 24-ORD-184 (declining to resolve factual dispute as to whether an agency received a request). Accordingly, the Office cannot find the Department violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Department received the Appellant's November 21, 2025, 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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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