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26-ORD-035

February 2, 2026

In re: John Daniels/Boyd County Sheriff's Office

Summary: The Boyd County Sheriff's Office ("the Sheriff's Office") violated the Open Records Act ("the Act") when it failed to grant or deny requests for records within five business days.

Open Records Decision

This appeal concerns two requests for public records submitted to the Sheriff's Office by John Daniels ("the Appellant"). On September 9, 2025, the Appellant requested "records concerning the sale of excess property by" the Sheriff's Office. Specifically, he sought "[t]he date and time of the public auction in which Glock 22 pistols were sold between October and December 2024"; "[c]opies of all advertisements, public notices, or postings regarding the auction"; "[t]he name of the auctioneer who conducted the sale"; "[t]he names of purchasers who obtained Glock 22 pistols outside of the" Sheriff's Office; and "[a]ny documents signed by anyone or any entity outside of the [Sheriff's Office] involving the sale or transfer of the Glock 22 pistols." On November 17, 2025, the Sheriff's Office responded by stating "that all pistols were purchased by member/employees within" the Sheriff's Office and the Chief Deputy "sent out an email dated November 6th, 2024, to personnel." The Sheriff's Office did not provide any records, nor did it state any reason for withholding records.

Under KRS 61.880(1), a public agency has five business days to grant or deny a request for public records. Here, however, the Sheriff's Office took over two months to respond. Moreover, although the response contained information sufficient to establish that no records exist regarding purchasers outside the agency, the Sheriff's Office did not provide a copy of the referenced email advertising the sale; nor did it state whether any other "advertisements, public notices, or postings" for the sale exist. Any "response denying, in whole or in part, inspection of any record" must state "the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld." KRS 61.880(1). Because the Sheriff's Office failed to respond to the request within five business days,

provided no records to the Appellant, and failed to explain its legal basis for withholding records, it violated the Act.

On December 5, 2025, the Appellant submitted a second request to the Sheriff's Office, seeking "each and every form . . . signed" by three named individuals "for the purchase of the Glock 22 pistols." He also reiterated the first three parts of his previous request and specifically requested a copy of the November 6, 2024, email referenced in the earlier response from the Sheriff's Office. On December 8, 2025, the Sheriff's Office responded by stating, "Yes, I will get it to you as soon as I can." Having received no further response to this request by January 5, 2026, the Appellant initiated this appeal.¹

Again, KRS 61.880(1) requires a public agency to grant or deny a request for records within five business days. Because the Sheriff's Office failed to dispose of the Appellant's request within that time, it violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

John Daniels II
Jamie Reihls, Sheriff
Curtis Dotson, Esq.

¹ Although the Sheriff's Office was afforded two opportunities to submit a response to this appeal, it has not done so.