



COMMONWEALTH OF KENTUCKY
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26-ORD-052

February 19, 2026

In re: Jeffrey Gegler/City of Frankfort

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

Open Records Decision

On December 23, 2025, Jeffrey Gegler (“Appellant”) submitted a request to the City for records related to a specific incident on December 9, 2025, at Kentucky State University.¹ On January 20, 2026, having received no 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.” Here, the Appellant submitted a request to the City on December 23, 2025, and as of January 20, 2026, he had yet to receive a response.

On appeal, the City states it did not respond to the Appellant’s December 23, 2025, request because his request “had been quarantined by the City’s security and filtering applications, meaning they never reached the recipients.” Thus, a factual dispute exists between the parties as to whether the City received the request. The

¹ The Appellant provides emails in which he resubmitted the same request to different City email addresses after claiming to have received “out of office notifications” from those recipients to whom the requests were directed. He does not provide the Office with any of those “notifications.” The City, on appeal, does not mention these communications or dispute the Appellant’s claims as to these notifications.

Office has previously found that an agency does not violate the Act when it fails to respond to a request it does not receive. *See, e.g.*, 25-ORD-017; 23-ORD-117. Moreover, the Office has found that it is unable to resolve factual disputes between parties, such as whether an agency received a request. *See, e.g.*, 24-ORD-184 (declining to resolve factual dispute as to whether an agency received a request). As a result, the Office cannot find that the City violated the Act because the Office is unable to find that the City received the Appellant's 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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