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26-ORD-084

March 10, 2026

In re: Bobby Ellison/City of London

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

Open Records Decision

On January 14, 2026, Bobby Ellison (“Appellant”) submitted a request to the City for records. On the same day, the City informed the Appellant that it needed “additional time to have [its] staff search for the records” and that it would provide the records by February 5, 2026.¹ On January 24 and 25, 2026, the Appellant submitted three other requests to the City for additional records. On February 9, 2026, having claimed he received no further 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, on January 14, 2026, the Appellant submitted a request to the City and on January 22, 2026,² the City notified the Appellant that it needed “additional time to have [its]

¹ The Appellant stated on appeal that he submitted his “26-32” request on January 22, 2026, but the “26-32” request he provided was received by the City on January 14, 2026. The Appellant further stated the City responded to his “26-32” request on January 29, 2026, but the City’s response he provided is dated January 22, 2026. Additionally, the Appellant claims the City said it would make the records responsive to his January 14 request available on February 6, 2026, but in the response to the “26-32” request he provided, the City stated it will make the responsive records available on or before February 5, 2026.

² State offices were closed on January 19, 2026, the third Monday in January, for the birthday of Martin Luther King, Jr., which is a state holiday. KRS 2.110(1) (“[T]he third Monday of January

staff search for the records” but would provide them to the Appellant “by the close of business on February 5, 2026.”³ The Appellant submitted three additional requests to the City between January 24 and 25, 2026, and claims that the City did not respond to these requests. The Appellant claims that, as of February 9, 2026, he had yet to receive any further response from the City.

On appeal, the City asserts that it did respond to each of the Appellant’s requests⁴ and that it made the records available to the Appellant for inspection and copying on February 2, 2026. As proof, the City provided an undated response to the Appellant informing him that the records responsive to all his requests would be made available to him upon payment of copying fees. The City also provided a receipt dated February 4, 2026, that it describes as a receipt for payment of copying fees by the Appellant.

Thus, a factual dispute exists between the parties as to whether the City responded to the Appellant’s requests. The Office has previously found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request. *See, e.g.,* 23-ORD-276 (factual dispute as to whether a requester received a response to his request). Similarly, here, the Office is unable to resolve the factual dispute between the parties as to whether the Appellant received the City’s final responses to his requests.

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.

(Birthday of Martin Luther King, Jr.)” is a state holiday “on which all the public offices of this Commonwealth may be closed.”); KRS 18A.190(1)(b) (“State offices shall be closed and state employees shall be given a holiday on . . . [t]he third Monday in January[.]”). January 17 and 18, 2026, were a Saturday and a Sunday, respectively. Therefore, January 22, 2026, was the fifth business day following submission of the Appellant’s January 14 request.

³ The Appellant has not challenged the City’s delay in providing the records.

⁴ The City also mentions a request the Appellant submitted to it dated January 22, 2026. But none of the four requests the Appellant provided to the Office in this appeal were dated January 22. Thus, because the Appellant did not provide a January 22 request to the Office, it cannot be considered as part of this appeal. *See* KRS 61.880(2)(a).

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/s/ Matthew Ray
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Distributed to:

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