



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-139

March 31, 2026

In re: Kurt Wallace/Bullitt County Fiscal Court

Summary: The Bullitt County Fiscal Court (“the Fiscal Court”) violated the Open Records Act (“the Act”) by failing to respond in writing within five business days of receiving a request.

Open Records Decision

On January 30, 2026, Kurt Wallace (“the Appellant”) submitted a request to the “Presiding Officer” of the Fiscal Court, seeking copies of “records sufficient to show delivery status and routing for an email sent on January 13, 2026,” to Sheriff Walt Sholar. In particular, the Appellant requested: (1) “[a]ny message trace, audit log, delivery report, or administrator log entry sufficient to show whether the January 13, 2026, email was delivered to the recipient mailbox, rejected, quarantined, rerouted, or otherwise handled, including timestamps and disposition codes”; and (2) “[a]ny associated log entries showing forwarding, transport rules, or administrative actions affecting delivery to that mail box during the relevant period.” Having received no response by March 3, 2026, the Appellant initiated this appeal.

Under the Act, a public agency must respond to a request for records “within five (5) days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request.” KRS 61.880(1). A public agency is permitted to extend the period for production of the records under KRS 61.872(5) in a timely response but only if the records are “in active use, in storage or not otherwise available” and the agency provides “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” To date, the Fiscal Court has not complied with KRS 61.880(1) or invoked KRS 61.872(5).

The Appellant contends the Fiscal Court “failed to acknowledge receipt of the request, failed to provide a reason for withholding the records, and failed to cite a statutory exemption for failure to provide the records.” The Appellant submitted his request on January 30 but had not received any response as of March 3. The Fiscal Court did not respond to the Appellant’s appeal. Thus, based on the unrefuted

evidence of record, the Office finds the Fiscal Court violated the Act by failing to respond in writing within five business days of receiving the Appellant's request as KRS 61.880(1) requires.¹ 25-ORD-092.

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/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

#164

Distributed to:

Kurt Wallace, Appellant
Jerry Summers, Bullitt County Judge/Executive
Tammy Baker, Bullitt County Attorney

¹ By email dated March 19, 2026, the Appellant questions when the Office will refer the alleged systemic issues to "the Public Integrity Unit." However, such relief is not available under the Act. If the Appellant disagrees with any decision by the Office to which he is a party or wishes to seek enforcement of any decision to which he is a party, his recourse lies in the courts. *See* KRS 61.880(5). In addition, the Appellant alleges that the Fiscal Court's policies and procedures allow it to charge excessive fees. The Office lacks jurisdiction regarding those fees because the Fiscal Court has not sought to impose them on the Appellant. The Office notes that a fee of 10 cents per page is a reasonable fee to impose for hard copies of public records under the Act. *See Friend v. Rees*, 696 S.W.2d 325 (Ky. App. 1985).