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26-ORD-147

April 2, 2026

In re: Allan Curtis/Clark County Property Valuation Administrator

**Summary:** The Clark County Property Valuation Administrator (“the PVA”) did not violate the Open Records Act (“the Act”) when it imposed a fee to obtain certain records under either KRS 61.874(3) or (6).

***Open Records Decision***

On February 17, 2026, Alan Curtis (“Appellant”) submitted a request to the PVA for several categories of records from 2023. In relevant part, the Appellant sought “[r]eal property assessment cards” dated between February 1 and May 31, 2023. In response, the PVA stated that it would provide the Appellant with 17,671 pages of responsive records once he either paid a copying fee of \$1,761.10 or paid a \$250 subscription fee for its online database created pursuant to KRS 61.874(6). This appeal followed, in which the Appellant alleges he should be provided with all 17,671 pages of responsive records for free.<sup>1</sup>

On appeal, the PVA explains that the real property assessment cards are available through its online database. The Act allows public agencies to make records available online to requesters who enter into an agreement to pay a fee in exchange for immediate access to those records. *See* KRS 61.874(6). Under that statute, an agency has discretion whether to provide online access to public records and may first require the requester to enter into a licensing agreement or contract. *Id.* The public agency may also charge a fee for online access not to exceed “computer . . . access charges.” *Id.* The Office has previously found that an agency is not required to produce digital records, *i.e.*, free copies of records, that exist in digital form only after

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<sup>1</sup> The Appellant paid the copying fee for other records he requested. Therefore, any dispute as to those fees are moot. *See* 40 KAR 1:030 § 6. The PVA advised that it did not possess one category of the requested records, and the Appellant has not challenged that denial. The PVA provided records responsive to all other parts of the request.

online access is established under KRS 61.874(6). *See, e.g.*, 25-ORD-366; 23-ORD-285 n.3.

The Appellant alleges that the PVA has proposed an unreasonable fee for copies of the records and should have provided copies of the records in electronic format free of charge. For its part, the PVA maintains that the records are available through its online database for a fee of \$250.<sup>2</sup> Otherwise, the PVA explains that the Appellant's request would require it to convert the records into a nonstandardized format because its system does not allow it to export the records into the form requested by the Appellant.

Under KRS 61.874(3), “[i]f a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.” Here, rather than recovering staff costs, the PVA has only proposed a 10 cents per page copying fee. This fee is reasonable in light of the PVA's ability to recover staff costs.

At bottom, regardless of whether the records exist in electronic form, because they have been made available for a subscription fee under KRS 61.874(6), the PVA is not required to provide electronic copies of them for free. The PVA's proposed fee of \$1,761.10 to obtain 17,671 pages of records was reasonable, as is its offer to provide access to its online database for a discounted fee of \$250. Accordingly, the PVA did not violate the Act when it did not provide the real property assessment cards for free.

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](mailto:OAGAppeals@ky.gov).

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<sup>2</sup> The PVA also states that its proposed \$250 fee is a discount from its normal fee of \$750 for 1,200 records.

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

#174

Distributed to:

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