



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-239

May 26, 2026

In re: Brian Chism/City of Brandenburg

**Summary:** The City of Brandenburg (“the City”) violated the Open Records Act (“the Act”) by failing to respond within five business days of receiving a request.

***Open Records Decision***

On April 14, 2026, Brian Chism (“the Appellant”) submitted a request to the City for copies of “all documents provided and discussed during [the] April 2026 Regular City Council Meeting.” Having received no response from the City, the Appellant initiated this appeal on April 28, 2026.<sup>1</sup>

Upon receiving notice of this appeal from the Office, the City acknowledged receipt of the Appellant’s request and explained that the City Clerk “did not timely respond to the request” due to an oversight. However, on May 1, 2026, the City provided the Appellant with copies of all existing, responsive records it possesses.<sup>2</sup>

Under KRS 61.880(1), a public agency “shall determine within five (5) days, excepting Saturdays, Sundays, and legal holidays” upon receipt of a request made under the Act “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 City concedes that it failed to send a written response until after it received notice of this appeal. By failing to send a written response within five business days, the City failed to comply with KRS 61.880(1) and, therefore, violated the Act. *See* 26-ORD-139; 26-ORD-065; 26-ORD-060.

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<sup>1</sup> Because this appeal resulted from the City’s admitted failure to comply with KRS 61.880(1), the only question that is ripe for the Office to review is whether it violated the Act by failing to send a written response within five business days of receiving the Appellant’s request.

<sup>2</sup> Specifically, the City provided the Appellant with copies of the following: (1) the agenda for the April 13, 2026, meeting; (2) a “list of Business License Applications”; (3) the March 9, 2026, meeting minutes; (4) “Rezoning Ordinance #659”; (5) excerpts of KRS 61.810; and (6) “the city’s income and expenses for the prior month (17 pages).”

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

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Distributed to:

Brian Chism, Appellant  
David Pace, Mayor of Brandenburg  
Amy M. Haynes, Brandenburg City Clerk  
Jessica Brown Roberts, Brandenburg City Attorney