



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-285

June 23, 2026

In re: Kaitlyn Proffitt/Adair County Board of Education

Summary: The Adair County Board of Education (“the Board”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records within five business days of receipt or otherwise notify the requester of the proper email address for submitting her request.

Open Records Decision

On May 14, 2026, Kaitlyn Proffitt (“the Appellant”) submitted a nine-part request to the Board, seeking records created on particular dates throughout the previous 12 months. On May 22, 2026, having received no response from the Board, the Appellant initiated this appeal.

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.” KRS 61.880(1). Here, the Board explains that the Appellant failed to properly submit her request because she sent it to each member of the Board rather than to the Board’s official records custodian.

The Office agrees the method by which the Appellant submitted her request does not comply with the Act. If a person chooses to submit her request by email, she must send the email “to the public agency’s official custodian of public records or his or her designee at the e-mail address designated in the public agency’s rules and regulations.” KRS 61.872(2)(b)4. However, under KRS 61.872(4), “[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency’s public records.” Thus, while the Appellant’s request failed to comply with KRS 61.872(2)(b)4., because she emailed it to the wrong individuals, the Board members should have informed the Appellant of the proper email address to which she could submit her request. Instead, the Board members ignored the Appellant’s request completely. Thus, the Board violated

KRS 61.872(4) when it failed to inform the Appellant of the proper email address for submitting her 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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#440

Distributed to:

Kaitlyn Proffitt, Appellant
Jason Faulkner, Adair County Board of Education, Superintendent
Carolee Lloyd, Adair County Board of Education, Admin Assistant
Terry Harvey, Adair County Board of Education, Board Chair
Destiny Greer, Adair County Board of Education, Board Vice Chair
Jeff Hoover, Adair County Board of Education, Board Attorney