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-438

October 1, 2026

In re: Earl Sowders/Scott County Judge/Executive's Office

Summary: The Office lacks jurisdiction to consider a complaint that the Scott County Judge/Executive's Office ("the Judge/Executive's Office") violated the Open Records Act ("the Act") by failing to make available on its website the information required by KRS 61.876(2).

Open Records Decision

On July 8, 2026, Earl Sowders ("the Appellant") submitted a request to the Judge/Executive's Office seeking records related to Scott County Animal Care and Control. On July 15, 2026, the Judge/Executive's Office provided the Appellant with records. The Appellant then submitted this appeal, alleging that the Judge/Executive's Office had violated the Act by not making its policies and procedures or the contact information of its records custodian available on its website.

KRS 61.876(2) requires a public agency to make available on its website a "copy of its rules and regulations pertaining to public records" and the "mailing address, e-mail address, and phone number of the official custodian of the records or his or her designee to which all requests for public records shall be made." However, the Appellant has not properly submitted this issue to the Office.

In 22-ORD-165, the Office held that a person must first submit a complaint to the public agency about its alleged failure to post on its website the materials required under KRS 61.876(2). That is because, under KRS 61.880(2)(a) and (4), the Office only has jurisdiction to review a person's request and the agency's response, or lack thereof, and then determine whether the agency has complied with the Act. Because the Appellant's request to the Judge/Executive's Office made no mention of its alleged failure to comply with KRS 61.876(2), the Judge/Executive's Office had no opportunity to respond to the allegation before the appeal was initiated. A person does not invoke the Office's jurisdiction merely by submitting a complaint that an agency is not complying with certain requirements of the Act. As such, the Office lacks jurisdiction to consider the Appellant's complaint and must dismiss the appeal.

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

#627

Distributed to:

Earl Sowders, Appellant
Stacy Hamilton, Scott County Fiscal Court, Executive Assistant
Sherry Bishop, Scott County Animal Care & Control, Director
Cameron Culbertson, Scott County Attorney