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26-ORD-441

October 1, 2026

In re: Dana Hanson/Mercer County Fiscal Court

Summary: The Mercer County Fiscal Court ("the Fiscal Court") violated the Open Records Act ("the Act") when it failed to issue a written disposition of a request for records within five business days, as required by KRS 61.880(1), or a detailed explanation for the delay and the earliest date when records would be available, as required by KRS 61.872(5).

Open Records Decision

On August 21, 2026, Dana Hanson ("the Appellant") requested copies of various records from the Fiscal Court containing the term "Project Stallion" from June 1, 2025, to the date of the request. On September 1, the Fiscal Court issued a belated response stating that the Appellant's request had been "inadvertently overlooked" and "additional time" was needed to complete the request due to "the scope of the request[,] covering a period of more than a year." Although the Fiscal Court stated it "anticipate[d] providing a substantive response" to the request, it did not give a date when that response would be provided. On September 2, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must decide within five business days whether to grant a request or deny it and "notify in writing the person making the request, within the five (5) day period, of its decision." This time may be extended under KRS 61.872(5) when records are "in active use, in storage or not otherwise available," if the agency "immediately notif[ies] the applicant" and gives "a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record will be available for inspection." Here, the Fiscal Court admits it did not respond within five business days, as required by KRS 61.880(1), and the response it issued on September 1 did not provide the earliest date when the records would be available, as required by KRS 61.872(5). Additionally, the "detailed explanation" required under KRS 61.872(5) must be more than a vague statement about the breadth or scope of the request. *See, e.g.,* 24-ORD-273. Here, the Fiscal

Court's reference to the fact that the Appellant's request "cover[ed] a period of more than a year" was not a "detailed explanation of the cause" for delay past the five business days allowed by KRS 61.880(1). Therefore, the Fiscal Court violated the Act.[1]

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/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Dana Hanson
Michael Rothacker, Esq.
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Hon. Sarah Steele

[1] On appeal, the Fiscal Court states it fully responded to the Appellant's request on September 11, 2026. The merits of that response are not within the scope of this appeal.