COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-449

October 6, 2026

In re: Rodney H. Carter/Grayson County Attorney

Summary: The Office cannot find that the Grayson County Attorney ("the County Attorney") violated the Open Records Act ("the Act") because the Office is unable to resolve the related factual dispute between the parties regarding if or when his response was received.

Open Records Decision

On June 22, 2026, Rodney H. Carter ("the Appellant") submitted a request to the County Attorney asking for copies of records documenting "that the current County Attorney[,] Jeremy Logsdon[,] has represented county employees in criminal or civil matters." By letter dated August 31, 2026, the Appellant initiated this appeal, stating that he did not receive any response to his request from the County Attorney. However, upon receiving the notice of this appeal from the Office, the County Attorney disputed the Appellant's claim, including with his response both the date-stamped copy of the Appellant's June 22 request, which documents its receipt by his office on June 29, 2026, and his letter, also dated June 29, 2026, which denied the Appellant's request under KRS 61.872(2)(a) for lack of specificity; KRS 61.878(1)(h), which permanently exempts from disclosure criminal litigation files; and the attorney-client privilege, codified at Kentucky Rule of Evidence 503, which exempts "[c]ivil files of representation" and is incorporated into the Act by KRS 61.878(1)(k).[1]

Upon receiving a request for public 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 County Attorney confirms that he received the Appellant's request and mailed a written response on the same day.

[1] The merits of the County Attorney's June 29, 2026, response are not at issue in this appeal.

The Office has routinely found that it cannot resolve factual disputes between a requester and a public agency, such as determining when a public agency received a request, if or when the agency responded, and if or when the requester receivedthe response. *See, e.g.*, 23-ORD-220 (holding the Office cannot resolve a factual dispute as to whether a requester actually received a public agency's response); 26-ORD-049; 25-ORD-082; 23-ORD-062; 22-ORD-024; 21-ORD-233. Accordingly, the Office cannot find that the County Attorney violated KRS 61.880(1) by failing to respond timely under the Act because the Office cannot resolve the factual dispute between the parties regarding when the County Attorney mailed his response and whether the Appellant received it.

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:

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