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26-ORD-470

October 21, 2026

In re: Kurt Wallace/Washington County Fiscal Court

Summary: The Washinton County Fiscal Court ("the Fiscal Court") violated the Open Records Act ("the Act") when it failed to timely respond to a request under the Act.

Open Records Decision

On September 13, 2026, Kurt Wallace ("Appellant") submitted a request to the Fiscal Court seeking 23 categories of records. On September 23, 2026, having received no response from the Fiscal Court, the Appellant initiated this appeal.

Under KRS 61.880(1), 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." Here, the Appellant submitted a request to the Fiscal Court, and ten days later, he had yet to receive a response. On appeal, the Fiscal Court admits that it did not timely respond to the Appellant's request.[1] Therefore, the Office must conclude that the Fiscal Court violated the Act when it did not timely respond to a request for records.

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.

[1] The Fiscal Court states that it has since responded to the Appellant's request. The merits of that response are not at issue in this appeal.

Russell Coleman
Attorney General

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

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Distributed to:

Kurt Wallace, Appellant
Timothy E. Graves, Washington County Fiscal Court, Judge/Executive
Brett Barry, Washington County Fiscal Court, County Clerk
Timothy E. Ash, Washington County Attorney