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26-ORD-477

October 27, 2026

In re: Geoffrey Deibler/City of Morganfield

Summary: The Office cannot find that the City of Morganfield ("the City") violated the Open Records Act ("the Act") because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On September 15, 2026, Geoffrey Deibler ("the Appellant") submitted a request to the City for 12 categories of records related to its mayor's Facebook page.[1] On September 25, 2026, the Appellant initiated this appeal, claiming he had yet to receive a response from the City.

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." On appeal, the City states it received the Appellant's request on September 15, 2026, and responded timely on September 22, 2026. As proof, it provides a copy of its response.[2] The Office has regularly found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response. *See,*

[1] The City stated it received the request on September 15, 2026. On appeal, the Appellant stated that he submitted the request on "[date]," and the request he provided to the Office is undated. The Appellant also provided 22 screenshots with his appeal, which appear to show a Facebook page, none of which are dated.

[2] In its response, the City granted the request in part, as to one of the 12 categories of requested records, and provided responsive records. The City also denied 11 of the 12 categories of records requested because it does not possess records responsive to those requests. However, the Appellant claims he did not receive the City's response, so the contents of that response are outside the scope of this appeal. *See* KRS 61.880.

e.g., 23-ORD-276 (factual dispute as to whether a requester received a response to his request). Similarly, here, the Office cannot find the City violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the City's response to his 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
Matthew Ray
Assistant Attorney General

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Distributed to:

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