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26-ORD-487

October 30, 2026

In re: Flint Stone/Monticello Police Department

Summary: The Monticello Police Department ("the Department") violated the Open Records Act ("the Act") when it failed to respond timely to a request for records.

Open Records Decision

On September 23, 2026, Flint Stone ("the Appellant") submitted a request to the Department for certain records related to an incident that occurred on March 23, 2026. Having received no response to his request, the Appellant initiated this appeal on October 1, 2026.

Under the Act, a public agency has five business days to grant or deny a request for public records. KRS 61.880(1). Because the Department received the Appellant's request on September 23, its response was due by September 30, 2026. On appeal, the Department admits that it "inadvertent[ly]" failed to respond to the Appellant's request because it mistakenly believed it was a duplicate of a previous request. Accordingly, the Department violated the Act when it failed to issue a timely response.[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.

[1] As part of its response to this appeal, the Department included a response to the Appellant's request. The merits of that response are not presently at issue.

Russell Coleman
Attorney General

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

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Distributed to:

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