



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

20-ORD-169

October 29, 2020

In re: Yvonne Miles/City of Audubon Park

Summary: City of Audubon Park (“City”) did not violate the Open Records Act (“the Act”) when it provided all the records it possessed in response to a request.

Open Records Decision

On September 12, 2020, Yvonne Miles (“Appellant”) requested that the City provide her a copy of all posts made on the “Audubon Park Residents” Facebook page between August 7, 2014, and December 31, 2018. In response, the City explained that former mayor Dorn Crawford had created the “Audubon Park Residents” page and then converted it to City use in 2014. In February 2019, after he had left office, Crawford demanded that the page be returned to his personal control and threatened the City with “aggravated theft charges” if it did not comply. The new mayor, Tony Williams, made an effort to archive the page before returning it to Crawford’s control on March 11, 2019, but had insufficient opportunity to archive all posts. The City provided Appellant all the responsive records it possessed. This appeal followed.

Appellant acknowledges that the City does not have access to, and therefore cannot produce, the remainder of the requested records. She asks instead that this Office require the City’s former mayor to return the Facebook page to the City’s control and to “unban” Appellant from the page. Lastly, Appellant requests that the former mayor “be ordered not to use the Audubon Park Official City Seal on any future [Facebook] pages he may create.”

Under KRS 61.880(1), the Attorney General has jurisdiction “to review a public agency’s denial of a request to inspect a public record.” Appellant directed her request for records to the City, and the City complied with the request by providing all responsive records in its possession and control. On those facts, this Office’s inquiry ends. This Office has no authority to grant Appellant’s other requests unrelated to the Act. Because the City did not deny Appellant access to public records in its possession, it did not violate the Act.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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.

Daniel Cameron
Attorney General

/s/ James M. Herrick

James M. Herrick
Assistant Attorney General

#318

Distributed to:

Ms. Yvonne Miles
Hon. Tony Williams
Keith Larson, Esq.
Commissioner Terry Manuel, KDLA