



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

21-ORD-003

January 8, 2021

In re: Kelly Copas/Monroe County Fiscal Court

Summary: The Monroe County Fiscal Court (“County”) violated the Open Records Act (“the Act”) because it failed to respond to an open records request within the statutory time period for doing so.

Open Records Decision

Kelly Copas (“Appellant”) requested certain records relating to “the rechipping/resealing of Bacon Spur Road in 2019.” She delivered her request by certified mail and the return receipt showed that the County received the request on May 14, 2020. The County issued no written response. On October 26, 2020, Appellant renewed her request. That time, the County immediately responded to produce the records that same day. This appeal followed.

Normally, a public agency must respond to an open records request within three business days. KRS 61.880(1). In response to the public health emergency caused by the novel coronavirus, however, the General Assembly modified that requirement when it enacted Senate Bill 150 (“SB 150”), which became law on March 30, 2020, following the Governor’s signature. SB 150 provides, notwithstanding the provisions of the Act, that “a public agency shall respond to the request to inspect or receive copies of public records within 10 days of its receipt.” SB 150 § 1(8)(a). Although the County eventually provided the requested records, it did so only after Appellant submitted her request a second time. The County failed to respond at all to Appellant’s first request. Such conduct violates 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 proceeding.

Daniel Cameron
Attorney General

/s/ James M. Herrick

James M. Herrick
Assistant Attorney General

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Distributed to:

Kelly Copas
Wes Stephens, Esq.
Hon. Mitchell Page