



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**21-ORD-061**

March 29, 2021

In re: Lawrence Trageser/City of Taylorsville

**Summary:** The City of Taylorsville (“City”) violated the Open Records Act (“the Act”) when it failed to furnish the name and location of the records custodian for its Ethics Commission (“Commission”). The City also violated the Act when it failed to display a copy of its rules and regulations pertaining to public records in a prominent location, as is required under KRS 61.876.

***Open Records Decision***

On January 8, 2021, Lawrence Trageser (“Appellant”) asked for copies of all meeting notices, agendas, minutes, and recordings of the Commission relating to a specific ethics complaint. The Appellant addressed his request to “City of Taylorsville, Ethics Commission, Official Custodian of Records.” The City issued a response, signed by the City Clerk, stating that “[t]he City Clerk is not in possession of meeting records pertaining to the Ethics Committee [sic]” and that the Appellant’s “request should be made to that entity.” This appeal followed.

Under KRS 61.872(4), “[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency’s public records.” On appeal, the City admits that it failed to do so. Thus, the City violated the Act.

The Appellant also alleges that the City failed to post in a public location the contact information for the Commission required under KRS 61.876. KRS 61.876(1)(b) requires a public agency to adopt rules and regulations in regard to public records, which must include “[t]he title and address of the official

custodian of the public agency's records." Furthermore, under KRS 61.876(2), "[e]ach public agency shall display a copy of its rules and regulations pertaining to public records in a prominent location accessible to the public."

On appeal, the City merely claims that its rules and regulations are displayed on its website.<sup>1</sup> Even assuming that a public agency may discharge its duties under KRS 61.876(2) by posting its rules and regulations on its website, the City has not carried its burden to show that it displays its rules and regulations "in a prominent location" on its website. This Office, for example, was unable to locate them on the City's website. And the City does not claim that it displays a physical copy of its rules and regulations at its headquarters. Because the City does not deny the Appellant's claim that it failed to display its rules and regulations in a prominent physical "location accessible to the public," and because the policies are not prominently displayed on its website, this Office finds that the City violated KRS 61.876.

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

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Distributed to:

Mr. Lawrence Trageser  
John D. Dale, Jr., Esq.  
Stephen A. Biven, Clerk

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<sup>1</sup> See <http://www.cityoftaylorsville.com/> (last accessed March 29, 2021).