



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-082

April 28, 2022

In re: Carlie Pelfrey/Lawrence County Fiscal Court

Summary: The Lawrence County Fiscal Court (the “Fiscal Court”) violated the Open Records Act (“the Act”) when it failed to issue a response within five business of receiving a request under the Act.

Open Records Decision

On March 8, 2022, Carlie Pelfrey (“Appellant”) submitted a request to the Fiscal Court for five specific categories of records. She requested monthly statements of the Fiscal Court’s itemized expenditures and the Fiscal Court’s meeting minutes from January 2019 to present. She also requested the Fiscal Court’s tax income, annual reports, annual budgets and amendments for the fiscal year 2018-2019 until present. On March 17, 2022, having received no response from the Fiscal Court, the Appellant resubmitted her request via certified mail. On March 31, 2022, having received no response from the Fiscal Court, the Appellant initiated this appeal.

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.” Here, the Appellant claims the Fiscal Court received her request and did not issue a response. To prove that the Fiscal Court received the requests, the Appellant provides two certified mail receipts that appear to

be signed by an individual that the Appellant identifies as the Lawrence County Judge Executive.

This Office issued a notice of appeal to the Fiscal Court on April 5, 2022, but it has not received a response.¹ Thus, the only evidence in this record is that the Fiscal Court received the Appellant's request on March 18, 2022, but it has failed to respond. Accordingly, the Fiscal Court violated the Act when it did not issue a response to a request under the Act within five business days of receipt.

A party aggrieved by this decision may appeal it by initiating 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.

Daniel Cameron
Attorney General

/s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Carlie Pelfrey
Phillip Carter
Brad Derifield

¹ The notice was sent to the Lawrence County Judge Executive and the Lawrence County Attorney.