



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-194

September 29, 2022

In re: Lynette Warner/Graves County School District

Summary: The Graves County School District (the “District”) violated the Open Records Act (“the Act”) when it did not issue a response to a request submitted under the Act within five business days of receiving the request.

Open Records Decision

On August 23, 2022, Lynette Warner (“Appellant”) submitted a request to the District to inspect the outstanding bonds payable for the 2022 fiscal year. The Appellant specified that her request included “each series bond” and “the [d]ebt [s]ervice [p]ayments.” On August 31, 2022, having received no response from the District, this appeal followed.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant the request, or deny the request and explain why. KRS 61.880(1). After the appeal was initiated, the District states it received the Appellant’s request and prepared a response to be issued on August 29, 2022. However, the District admits that “through inadvertence, the prepared response was not sent to the” Appellant. Thus, the District violated the Act when it did not issue a response to a request under the Act within five business days.¹

¹ On appeal, the District claims it notified the Appellant that the requested records were available “for review during its normal business hours” at its office. In response, the Appellant claims that “the documents [she] received appear to be incomplete.” Specifically, the Appellant claims that “[t]he document with the [o]utstanding [b]onds has no description for each bond and [she] believe[s] the bond for the GCHS security project is not included.” Historically, this Office has found that it is unable to resolve factual disputes of this type between parties. *See, e.g.,* 22-ORD-010 (agency was found to have

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:

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not violated the Act when it provided the requester with all responsive documents in its possession even though the requester alleged the agency did not provide many of the requested records); 19-ORD-083 (stating this Office cannot “resolve the factual dispute between the parties regarding the disparity between records which have been provided and those sought but not provided”). Consequently, this Office is unable to resolve the factual dispute between the parties that the records the Appellant inspected are different from those records she requested but was not able to inspect.