



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-158

July 2, 2024

In re: John Scarborough/Mead County Ethics Commission

Summary: The Mead County Ethics Commission (the “Commission”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act.

Open Records Decision

On May 16, 2024, John Scarborough (“Appellant”) submitted a request for records to the Commission. On June 3, 2024, having received no response from the Commission, the Appellant initiated this appeal.

A public agency has five business days from the receipt of a request for public records made under the Act to fulfill the request or deny it and explain why. KRS 61.880(1). Here, the Appellant submitted a request for records to the Commission on May 16, 2024, and claims he did not receive a response to his request. The Commission has not submitted a response to the Office or otherwise claimed that it did respond to the request.¹ Thus, the Commission violated the Act when it failed to respond to the Appellant’s request.

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

¹ On appeal, the Meade County Attorney informed the Office that he does not represent the Commission but that he has contacted the Commission’s counsel about this appeal. The Meade County Attorney further states the Appellant was provided with some of the records he requested after the appeal was initiated. The Office has yet to receive a response from the Commission’s counsel.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#268

Distributed to:

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