



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-228

October 21, 2024

In re: Sarina Gibson/Muhlenberg County Property Valuation Administrator

Summary: The Muhlenberg County Property Valuation Administrator (“the PVA”) did not violate the Open Records Act (“the Act”) when it provided all responsive records it possessed.

Open Records Decision

On or about August 27, 2024, Sarina Gibson (“the Appellant”) submitted a request by mail for “all surveys done for PVA No. 074-00-00-005.000 and PVA No. 074-00-00-006.000,” two properties located in Greenville, Kentucky; “a letter of who authori[zed] Kinkade Lane to be blacktop”; and “a copy of all easement[s] for” the two properties. The request was directed to the “Muhlenberg County Ky Courthouse,” with an incorrect street address, and was delivered on August 30, 2024, to the Muhlenberg County Clerk’s Office, which hand-delivered it to the PVA on September 3, 2024.¹ In a timely response, the PVA sent the Appellant copies of the property cards for the two properties in question, stating it did not appear that any surveys had been performed on either property. The PVA further advised the Muhlenberg County Judge/Executive’s Office would have “the information about the road being blacktopped” and any easements would be recorded in the county clerk’s office. This appeal followed.

On appeal, the PVA states it provided all the information and records it possesses relating to the Appellant’s request. Once a public agency states

¹ The Appellant provided two other copies of her request that were purportedly mailed to the Muhlenberg County Judge/Executive and the Muhlenberg County Road Department, with two return receipts bearing illegible signatures. However, in response to this appeal, the Muhlenberg County Attorney asserts those two copies of the request were not received by the respective agencies. The Attorney General cannot resolve factual disputes between parties, such as whether an agency received a request to inspect records. *See, e.g.*, 24-ORD-123. In addition, the Appellant provided a copy of a different request purportedly mailed to the city attorney for Central City, Kentucky. However, she neither provided a copy of the response to that request nor claimed that no response was issued, which is necessary to perfect an appeal under KRS 61.880(2)(a). Accordingly, the Office lacks jurisdiction regarding that request. *See, e.g.*, 24-ORD-216.

affirmatively that it possesses no further records, the burden shifts to the requester to present a *prima facie* case that additional records do exist. See *Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). Here, the Appellant merely submitted a copy of the request and response, without stating how she believes the PVA violated the Act. Because the PVA properly responded to the request and the Appellant has not established a *prima facie* case that the PVA possesses additional records, the PVA did not violate the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. 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. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Ms. Sarina Gibson
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