



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-231

October 25, 2024

In re: Randall Knuckles/Bell County Fiscal Court

Summary: The Bell County Fiscal Court (“the Fiscal Court”) did not violate the Open Record Act (“the Act”) when it did not respond to a request it claims it did not receive.

Open Records Decision

On August 21, 2024, Randall Knuckles (“Appellant”) submitted a request seeking a “list of Bell County Road Department projects” showing “known problems [or] repair work anticipated” and the order in which listed problems will be addressed. The Appellant also sought works orders related to these projects. On October 3, 2024, having received no response from the Fiscal Court, the Appellant initiated this appeal.

On appeal, the Fiscal Court claims to have never received the Appellant’s request. 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.” KRS 61.880(1). Here, the Fiscal Court claims it did not receive the Appellant’s request until this appeal was initiated. The Office cannot resolve factual disputes, such as whether a public agency actually received a request. *See, e.g.*, 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Thus, the Office cannot find the Fiscal Court violated the Act when it did not respond to a request it claims it did not receive.¹

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

¹ After the appeal was initiated, the Fiscal Court stated it will provide a response to the Appellant.

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
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/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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