



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

24-ORD-242

November 18, 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 28, 2024, Randall Knuckles (“Appellant”) submitted a request seeking a “detailed breakdown of” disbursements from an insurance premium tax fund identified in the Fiscal Court’s budget. On October 11, 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.<sup>1</sup>

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

---

<sup>1</sup> After the appeal was initiated, the Fiscal Court stated that it has since provided the Appellant with the requested records.

any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to [OAGAppeals@ky.gov](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
**Attorney General**

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

#416

Distributed to:

Randall Knuckles  
Albey Brock  
Christopher Douglas