



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-027

January 30, 2025

In re: Randall Knuckles/Bell County Fiscal Court

Summary: The Office cannot find that the Bell County Fiscal Court (“the Fiscal Court”) violated the Open Records Act (“the Act”) when it did not respond to a request it states it did not receive.

Open Records Decision

On December 12, 2024, Randall Knuckles (“Appellant”) submitted a request by facsimile for the “latest Bell County Ordinance as determined by highest ordinance number.” On December 30, 2024, having received no response from the Fiscal Court, the Appellant initiated this appeal.

On appeal, the Fiscal Court asserts that it did not receive 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 Appellant claims he sent his request to the Fiscal Court by facsimile on December 12, 2024, and that he had yet to receive a response by December 30, 2024. For its part, the Fiscal Court provides an affidavit supporting its position that it never received the Appellant’s request. The Office has consistently found it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request to inspect records. *See, e.g.*, 24-ORD-184; 23-ORD-092; 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Accordingly, the Office is unable to resolve this

factual dispute or find that 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 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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Randall Knuckles
Albey Brock
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¹ On appeal, the Fiscal Court states it has provided the Appellant with the requested record.