



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

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

25-ORD-082

March 28, 2025

In re: Brandon Voelker/City of London

Summary: The Office cannot find that the City of London (“the City”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On February 17, 2025, Brandon Voelker (“Appellant”) submitted a six-part request to the City seeking a variety of records related to a law enforcement action. On February 24, 2025, the Appellant notified the City that he had not received a response.¹ On February 26, the City stated it submitted a response to the Appellant’s request on February 25, 2025, which stated that the City “needed more time to gather and view the information” and responsive records would be provided by March 7, 2025. This appeal followed.

Under KRS 61.880(1), upon receiving a request for records 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.” Here, the Appellant claims he submitted his request to the City on February 17, 2024, and that he did not receive a timely response from the City. On appeal, the City claims it did respond to the Appellant’s request on February 25, 2025.² The Office has routinely

¹ The Appellant did note that the City had confirmed receipt of the request.

² The Appellant claims this response was issued six business days after his request was submitted and is therefore untimely. In response, the City explains that February 17, 2025, was a legal holiday and its offices were closed, so it did not receive the request until February 18, 2025, making its response due on February 25, 2025. KRS 61.880(1)(a) excludes from the computation of time all “legal holidays,” which includes all the holidays established by KRS 2.110. February 17, 2025, was the third Monday in February, which is in fact a legal holiday under KRS 2.110 (George Washington’s birthday, often referred to as Presidents Day). See *Watkins v. Ky. Ret. Sys. Bd. of Trs.* 276 S.W.3d 812, 813 (Ky.

found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request. *See, e.g.*, 23-ORD-062; 22-ORD-024; 21-ORD-233; 21-ORD-163. Accordingly, the Office cannot find the City violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the City's response to this request.³

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

#087

Distributed to:

Brandon Voelker
Katelin McPeek, London City Clerk
Larry G. Bryson, London City Attorney
Randall Weddle

2009). The City thus received the request on February 18, 2025. Accordingly, February 25, 2025, was the fifth business day following the City's receipt of the Appellant's request, making the City's response timely.

³ The merits of the City's February 25, 2025, response, which has not been provided to the Office, are not at issue in this appeal.