



COMMONWEALTH OF KENTUCKY
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April 15, 2020

In re: Uriah M. Pasha/Little Sandy Correctional Complex

Summary: The Little Sandy Correctional Complex (“Complex”) carried its burden of proof that it never received a request for records under the Open Records Act (“the Act”). Because the Complex did not receive the request, it did not violate the Act by failing to respond.

Open Records Decision

On January 31, 2020, Uriah Marquis Pasha (“Appellant”) initiated this appeal alleging that the Complex failed to respond to a request he submitted, under the Act, on January 6, 2020. On appeal, the Complex responded it never received Appellant’s request.

Under KRS 197.025(7), the Complex has five business days from the date of receipt of a request to respond. The public agency carries “[t]he burden of proof in sustaining the action[.]” Here, the Complex provided a written statement from its records custodian stating that she searched the pertinent files and could not locate a request form. The records custodian stated that she involved support staff and correctional officers from Appellant’s housing unit in the search, but they could only locate an earlier December 2019 request from Appellant seeking video records. The records custodian reviewed Appellant’s inmate spending account and found that no funds were withdrawn in the month of January for an open records request. The records custodian stated that she can make responsive records available upon receipt of a properly filed request form and payment.

The Complex has carried its burden of proof that it took no action because it never received the request. The Complex could not have violated the Act by failing to respond to a request it did not receive.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. 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 proceeding.

Daniel Cameron
Attorney General

/s/ John Marcus Jones

J. Marcus Jones
Assistant Attorney General

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Distributed to:

Uriah M. Pasha #092023

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