



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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20-ORD-140

September 2, 2020

In re: Ben Richard/Jefferson Circuit Court Clerk

Summary: Because he is not bound by the provisions of the Open Records Act (“the Act”), the Jefferson Circuit Court Clerk (“Clerk”) did not violate the Act in the disposition of a request for records.

Open Records Decision

On July 15, 2020, Ben Richard (“Appellant”) submitted a request to the Clerk for inspection of public records. He subsequently appealed to this Office after receiving no response. Although the Attorney General is statutorily charged with the duty to resolve disputes concerning records access under KRS 61.880(2), the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617 (Ky. 1978). Since circuit court clerks are court officials, the Clerk is not bound by the provisions of the Act and cannot be held to have violated the Act by failing to respond to an open records request. *See* 98-ORD-6 (copy attached).

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.

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Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Enclosure

Distributed to:

Ben Richard, #199197
David L. Nicholson, Clerk