



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-064

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In re: Christopher Applegate/Luther Luckett Correctional Complex

Summary: The Luther Luckett Correctional Complex (“Complex”) did not subvert the intent of the Open Records Act (“the Act”) with its disposition of a duplicative request to inspect records.

Open Records Decision

In December of 2020, Christopher Applegate (“Appellant”) submitted an open records request to the Complex. On February 22, 2021, the Appellant requested all the records that a Complex employee forwarded to the Complex’s records custodian that were responsive to his December request. In a timely response, the Complex provided the Appellant one responsive record. However, the Appellant claims that the Complex should have produced more records and that it is subverting the intent of the Act. As proof, he presents other records he obtained in response to previous requests he has submitted to the Complex.

KRS 61.880(4) provides that “if a person feels the intent of [the Act] is being subverted by an agency short of denial of inspection,... the person may complain in writing to the Attorney General, and the complaint shall be subject to the same adjudicatory process as if the record had been denied.” Through a series of open records requests, and appeals to this Office, all of the responsive records have been made available to the Appellant. The Appellant claims the purpose of his newest request is “to learn when and where that third email got excluded from” the Complex’s previous response to him.

The Appellant is in possession of all the records he has requested from the Complex. The Appellant’s request, under its express terms, seeks all the records that an employee forwarded to the records custodian in response to a

previous request. His newest request is therefore duplicative of a previous request. This Office has previously found that correctional facilities are not required to honor duplicative requests for records unless the inmate justifies the need for duplicative copies. *See, e.g.*, 17-ORD-202. This concept is rooted in the belief that, absent a showing of need for duplicate copies, duplicative requests can disrupt the functions of the public agency. KRS 61.872(6); *see also* 95-ORD-047. The Appellant cannot avoid this fact by changing his request to be one that seeks the records an employee produced in response to the previous request. At bottom, it is the same request for the same records. Here, the Appellant has all the records in the Complex's possession. Accordingly, the Complex did not subvert the intent of the Act.

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 proceedings.

Daniel Cameron
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/s/Marc Manley
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Assistant Attorney General

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Distributed to:

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