



COMMONWEALTH OF KENTUCKY
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21-ORD-191

October 13, 2021

In re: Christopher Sawyer/City of Erlanger

Summary: Because this open records appeal was not initiated within 20 days of the agency's denial, the appeal is time-barred under KRS 197.025(3).

Open Records Decision

On June 11, 2021, Boone County Jail inmate Christopher Sawyer ("Appellant") requested certain records from the City relating to his 2016 arrest by the Erlanger Police Department. The City responded and provided the records in its possession on July 1, 2021. The Appellant initiated this appeal by a letter dated August 17, 2021, and postmarked on September 10, 2021.

Under KRS 197.025(3), a person "confined in a penal facility shall challenge any denial of an open record with the Attorney General by mailing or otherwise sending the appropriate documents to the Attorney General within twenty (20) days of the denial[.]" Because the City issued its response to the Appellant's request on July 1, 2021, the Appellant was required to appeal that denial by July 21, 2021. But he did not initiate this appeal until September 10, 2021, so his appeal is untimely. Thus, this Office is without jurisdiction to consider the Appellant's appeal.

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.

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