



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-148

July 6, 2022

In re: Donald Phillips/Lee County Adjustment Center

Summary: This Office cannot find that the Lee County Adjustment Center (the “Center”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act that it claims it never received.

Open Records Decision

Inmate Donald Phillips (“Appellant”) claims that on May 20, 2022, he submitted a request to the Center to inspect “[a]n itemized account of all transactions to, and from [his] inmate trust account from March 22, 2022 to present.” On June 6, 2022, having received no response from the Center, the Appellant initiated this appeal.

On appeal, the Center claims that it did not receive the Appellant’s May 20, 2022 request and that the last request the Center received from the Appellant was dated May 16, 2022. The Center claims that it “has not received any” request from the Appellant “for the records requested that are the subject matter of this appeal.” The Center invites the Appellant to re-submit his request so that it may appropriately respond to his request.

Under KRS 197.025(7), a correctional facility must respond to an inmate’s request to inspect public records within five business days of receipt of the request. Here, the Appellant claims that he submitted a request to inspect records to the Center on May 20, 2022, but that the Center did not respond to that request. The Center explains that it did not respond to the Appellant’s May 20, 2022 request

because it claims that it did not receive that request. This Office has historically and consistently found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g.*, 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Consequently, this Office is unable to find that the Center violated the Act when it failed to respond to a request that it claims it never received.

A party aggrieved by this decision may appeal it by initiating 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.

Daniel Cameron
Attorney General

s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Donald Phillips, # 149748
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