



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

22-ORD-152

July 18, 2022

In re: Damon Green/Kenton County Circuit Court Clerk

Summary: The Open Records Act (“the Act”) does not apply to records of the Kenton County Circuit Court Clerk (“the Clerk”).

Open Records Decision

Inmate Damon Green (“the Appellant”) submitted a request to the Clerk for various court records associated with two of his criminal cases. Having received no response, the Appellant initiated this appeal.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is the custodian of the requested court records, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.¹

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 within 30 days from the date of this decision. 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. The Attorney General will accept notice of the complaint e-mailed to OAGAppeals@ky.gov.

¹ The Office notes that in its response to this appeal the Clerk advised that it will make the requested records available to the Appellant upon receipt of the appropriate copying fee.

Daniel Cameron
Attorney General

s/Marc Manley
Marc Manley
Assistant Attorney General

#230

Distributed to:

Damon Greene #276464
Margaret Ivie