



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-220

October 7, 2024

In re: Steve Roberson/South Central Kentucky Drug Task Force

**Summary:** The South Central Kentucky Drug Task Force (“the Task Force”) did not violate the Open Record Act (“the Act”) when it did not respond to a request it claims it did not receive.

***Open Records Decision***

Inmate Steve Roberson (“Appellant”) submitted a request seeking, “all documentation relating to [his] arrest” by the Task Force on August 22, 2022. The Appellant specified that responsive records included any “record relating to the transfer to Franklin Memorial Hospital” and the procedures related to transfers and booking. On September 13, 2024, having received no response from the Task Force, the Appellant initiated this appeal.

On appeal, the Task Force claims never to have received the Appellant’s request.<sup>1</sup> Under the Act, a public agency “shall determine within five (5) [business] days . . . *after the receipt* of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1) (emphasis added). Here, the Task Force claims it did not receive the Appellant’s request until this appeal was initiated. The Office cannot resolve factual disputes, such as whether a public agency actually received a request. *See, e.g.*, 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Thus, the Office cannot find the Task Force violated the Act when it did not respond to a request it claims it did not receive.<sup>2</sup>

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

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<sup>1</sup> Specifically, the Task Force stated the Appellant sent his request to its previous address.

<sup>2</sup> After the appeal was initiated, the Appellant provided additional information about his arrest, and the Task Force located and produced documents relevant to his request.

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.

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

#380

Distributed to:

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