



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-023

January 28, 2025

In re: Robert Stone/Covington Police Department

Summary: The Office cannot find that the Covington Police Department (“the Department”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties concerning receipt of a request for records and issuance of a response.

Open Records Decision

In a letter dated December 3, 2024, inmate Robert Stone (“the Appellant”) requested certain records from the Department relating to his criminal case in the Kenton Circuit Court. Claiming to have received no response to his request, the Appellant initiated this appeal on December 27, 2024.

Under KRS 61.880(1), a public agency must respond within five business days after receipt of a request for records. Here, the Appellant claims the agency failed to timely respond to his request. However, the Department states it received the Appellant’s request on December 9, 2024, and issued a timely written response on December 13, 2024. Because the Office cannot adjudicate disputed issues of fact, such as when an agency received a request to inspect records or issued a response, the Office cannot find that the Department’s response in this case was untimely. *See, e.g.*, 24-ORD-040. Accordingly, the Office cannot find that the Department violated the Act.

A party aggrieved by this decision may appeal it by initiating an 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 emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distribution:

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