



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

25-ORD-025

January 29, 2025

In re: Austyn Ponce/Grant County Detention Center

**Summary:** The Grant County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when it failed to timely respond to a request under the Act.

***Open Records Decision***

On November 18, 2024, Austyn Ponce (“Appellant”) submitted a request to the Center for two “background checks [and] reports” and documents “that contained criminal charges” and asked where those records “were obtained from.” The Appellant also sought all “records pertaining to” her employment with the Center. On December 27, 2024, having received no response from the Center, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records 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.” Here, the Center explains that there was confusion regarding who would send the Appellant a reply and it was not aware that no reply had been sent until it received notice of this appeal. Thus, the Center violated the Act when it did not respond to the Appellant’s request until after the appeal was initiated.<sup>1</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 of any action in circuit court, but shall not be named as a party in that action or in

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<sup>1</sup> The Center further stated that it has provided all responsive records and information requested by the Appellant.

any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to [OAGAppeals@ky.gov](mailto:OAGAppeals@ky.gov).

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

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

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Distributed to:

Austyn Ponce  
Chief Deputy J. Brearton  
Pete W. Whaley, Assistant Grant County Attorney