



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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20-ORD-118

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In re: Jeremy Dunton/Northpoint Training Center

Summary: The inmate requester failed to perfect his appeal challenging Northpoint Training Center's ("the Center") denial of his initial request for a copy of specified JPay e-mails. The inmate did not successfully revive his appellant rights under KRS 197.025(3) by submitting a second request for the same records.

Open Records Decision

On June 25, 2020, the Center received an open records request from Jeremy Dunton ("Appellant") seeking copies of six JPay emails he had sent to the Center during a three-month period. The Center denied that request, and Appellant appealed.

Under KRS 197.025(3), an inmate must mail or send the "appropriate documents" to this Office within twenty days of the agency's denial to perfect his appeal. Those "appropriate documents" are set forth in KRS 61.880(2), and include "a copy of the written request and a copy of the written response denying inspection." Because Appellant mailed to this Office a copy of a request and a denial within twenty days of the denial, this Office issued a Notice of Appeal to the Center and invited the agency to respond. *See* 40 KAR 1:030 § 2. The Center did respond, and submitted proof that the request and denial attached to Appellant's appeal were actually duplicates of an earlier request Appellant had sent on June 15, 2020. The Center denied that first request on June 18, 2020.

This Office finds that Appellant failed to perfect this appeal because he did not attach “the appropriate documents.” Appellant was required to attach a copy of his first request dated June 15, 2020, and a copy of the Center’s first denial dated June 18, 2020. He was further required to send those documents on or before July 8, 2020, i.e. within twenty days. However, the documents Appellant provided were not the “appropriate” ones. Instead, he attached his second request for the same records that the Center previously denied and the Center’s second denial. This Office has held that an inmate may not submit a second, or duplicate, request in an attempt to extend the twenty-day statutory deadline. *See, e.g.*, 17-ORD-250; 16-ORD-108; and 14-ORD-054. Accordingly, Appellant failed to perfect his appeal and this Office is without jurisdiction to reach the merits of this appeal.¹

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court per KRS 61.880(5) and KRS 61.882. 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 proceeding.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Jeremy Denton, #221746
Amy V. Barker

¹ The Center also argues that Appellant’s appeal was untimely because this Office did not receive the appeal until more than twenty days after its denial on June 18, 2020. Although we need not address this argument because Appellant failed to perfect his appeal, the Center’s assertion is not correct. Under KRS 197.025(3), an inmate initiates an appeal when he mails or otherwise sends the appropriate documents.