



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-106

May 19, 2022

In re: Chad Heath/Nelson Circuit Court Clerk

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

Open Records Decision

On April 17, 2022, Chad Heath (“Appellant”) submitted a request to the Clerk for a copy of a document relating to a judge of the Nelson Circuit Court. After receiving 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 purportedly the custodian of the requested record, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

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.

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Attorney General

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

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Enclosure

Distributed to:

Mr. Chad Heath
Diane Thompson, Clerk