



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

22-ORD-216

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In re: Justin Decker/Breckinridge County Detention Center

Summary: This Office cannot find that the Breckinridge County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records that it claims it never received.

Open Records Decision

Inmate Justin Decker (“Appellant”) claims that on July 27, 2022, he submitted a request to the Center for a copy of his transaction history of per diem fees he paid, and the balance he owed from January 11, 2018 to the present. On September 13, 2022, having received no response from the Center, the Appellant initiated this appeal.

Under KRS 197.025(7), a correctional facility must respond to an inmate’s request to inspect public records within five business days of receipt of the request. Here, the Appellant claims that he submitted a request to inspect records to the Center on July 27, 2022, but the Center did not respond to that request. The Center explains that it did not respond to the Appellant’s July 27, 2022, request because it “do[es] not have a request” from the Appellant. This Office has consistently found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g.*, 22-ORD-148, 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Consequently, this Office is unable to find that the Center violated the Act when it failed to respond to a request that it claims it never received.

A party aggrieved by this decision may appeal it by initiating 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 any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

s/ Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

Justin Decker # 300058
Tara Pile Shrewberry
Brett Butler