



COMMONWEALTH OF KENTUCKY
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23-ORD-097

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In re: Beth Maze/Judicial Conduct Commission

Summary: The Open Records Act (“the Act”) does not apply to records of the Judicial Conduct Commission (the “Commission”).

Open Records Decision

Beth Maze (“Appellant”) requested from the Commission a copy of a letter it received from a specific individual between November 1, 2017, and October 28, 2019. The Commission denied the request on the grounds that it is not subject to the Act. This appeal followed.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act does not govern access to documents possessed by the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). The Appellant claims the Commission should be required to produce the letter because the letter “was not ‘generated’ by the” Commission. However, “KRS 26A.200 provides that all records which are made by or generated for or received by any other court, agency, or officer responsible to the court, are the property of the Court and are subject to the control of the Supreme Court.” *Farley*, 570 S.W.2d at 625 (emphasis added). Thus, regardless of whether the requested letter was generated by or received by the Commission, it is a record of a judicial agency and therefore is not subject to the Act. Because the Act does not apply to records of judicial agencies, the Commission was not required to honor the Appellant’s request. *See* 98-ORD-6. 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 emailed to OAGAppeals@ky.gov.

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

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Distributed to:

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