



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**23-ORD-109**

May 15, 2023

In re: Taquan Neblett/Kentucky State Reformatory

**Summary:** This Office cannot find that the Kentucky State Reformatory (the “Reformatory”) violated the Open Records Act (“the Act”) when it did not respond to a request it claims it did not receive.

***Open Records Decision***

Inmate Taquan Neblett (“Appellant”) claims to have submitted a request to the Reformatory on March 16, 2023, seeking “[a]ll incident reports filed pursuant to CPP 8.6 and [a]ll critical incident reports filed pursuant to CPP 8.7” for an incident that occurred on a specific date. On April 5, 2023, having received no response from the Reformatory, the Appellant initiated this appeal.

On appeal, the Reformatory claims to have never received the Appellant’s request.<sup>1</sup> 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.” KRS 61.880(1) (emphasis added). Here, the Reformatory claims it did not receive the Appellant’s request and, therefore, could not issue a response to that request. This Office cannot resolve factual disputes, such as whether a public agency actually received a request. *See, e.g.*, 23-ORD-071; 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163. Thus, this Office

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<sup>1</sup> After the Reformatory received the notice of appeal it located the requested incident report and provided a copy of it to the Appellant that was redacted according to KRS 197.025(1) and KRS 61.878(1)(l). The Appellant has not challenged these redactions or claimed that any additional records do or should exist. The Office has historically deferred to the judgment of correctional facilities as to what records would constitute a security threat under KRS 197.025(1) and KRS 61.878(1)(l) if released. *See, e.g.*, 22-ORD-052; 22-ORD-038.

cannot find the Reformatory violated the Act when it did not issue a response to a request that it claims it did not receive.

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/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

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