



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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23-ORD-113

May 23, 2023

In re: Saeid Shafizadeh/Shelby County Detention Center

Summary: The Shelby County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records.

Open Records Decision

On April 4, 2023, Saeid Shafizadeh (“Appellant”) submitted a request to the Center to inspect fourteen categories of records.¹ On April 5, 2023, the Center acknowledged receiving the request and stated it would begin “compiling the information.” After receiving no further response from the Center by April 25, 2023, the Appellant initiated this appeal.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant the request, or deny it and explain why. KRS 61.880(1). Or, if responsive records are “in active use, in storage or not otherwise available,” a public agency may delay access to them by stating the earliest date on which they will be available and a detailed explanation of the cause of the delay. KRS 61.872(5). Here, the Center acknowledged it had received the Appellant’s request, but neither granted nor denied it within five business days. Instead, it stated it would begin “compiling the information,” but did not specify the earliest date on

¹ The Appellant sought: (1) operation manuals used by the Center; (2) the Center’s contracts with specific categories of vendors; (3) records related to the “monitoring and recording of jail audio/video calls”; (4) records related to KRS 441.111; (5) “procedures for processing inmates’ confidential correspondence”; (6) the Center’s contracts with food vendors; (7) the Center’s “meal menu for 2023”; (8) a directory of Center personnel “including their position, work station, telephone number and electronic mail address”; (9) the Center’s emergency telephone numbers; (10) the Center’s contracts with health service providers; (11) “records of income generated from inmate phone services”; (12) “records of income generated from” the Centers’ commissary; (13) records related to an inmate phone service outage in 2022; and (14) the Center’s liability insurance policy.

which the records would be available, give a detailed explanation for the cause of the delay, or otherwise respond to the Appellant until after this appeal was initiated. Therefore, the Center violated the Act when it did not appropriately respond to the Appellant's request.²

A party aggrieved by this decision may appeal it by initiating an 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
Attorney General

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

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Distributed to:

Saeid Shafizadeh
Major Sharon Hardin
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² After the appeal was initiated, the Center provided responsive records to the Appellant. The Appellant states the Center has not provided all responsive records, but has failed to specify which records he claims were not provided. Regardless, the Office cannot resolve factual disputes, such as competing claims about whether all responsive records have been provided. *See, e.g.*, 22-ORD-261; 22-ORD-010; 19-ORD-083 (stating the Office cannot “resolve the factual dispute between the parties regarding the disparity between records which have been provided and those sought but not provided”).