



COMMONWEALTH OF KENTUCKY
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23-ORD-287

October 25, 2023

In re: Bobby Inman/Roederer Correctional Complex

Summary: The Roederer Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) when it failed to issue a timely response to a request. The Complex did not violate the Act when it did not provide records that do not exist.

Open Records Decision

On July 25, 2023, inmate Bobby Inman (“Appellant”) requested “a copy of [his] National Registry Certificate” as an Emergency Medical Technician, including “the National Registry Number and the expiration date of the current license,” along with “documentation that outlines Name [*sic*] of training institution where course was taken; course number; including the month, date, year and completion date of the course.” After receiving no response from the Complex, the Appellant initiated this appeal on September 27, 2023.¹

Under KRS 61.880(1) and KRS 197.025(7), a correctional facility must respond to a request to inspect records within five business days after receiving it. On appeal, the Complex admits it did not respond to the Appellant’s request. By failing to issue a timely response, the Complex violated the Act.

On October 4, 2023, the Complex advised the Appellant that the records he requested do not exist because “[i]nmates in the EMT program do not receive a National Registry Certificate.” Rather, inmates receive only a restricted license “valid

¹ Prior to initiating this appeal, the Appellant made a written complaint to the Deputy Warden of Programs at the Kentucky State Reformatory, under the apparent belief that he was required to do so under KRS 61.846. However, KRS 61.846 is a provision of the Open Meetings Act, which does not apply to appeals brought under the Open Records Act.

for use within the Department of Corrections.” The Complex offered to provide the Appellant an additional copy of his transcript and restricted license upon request.

Once a public agency states affirmatively that a record does not exist, the burden shifts to the requester to present a *prima facie* case that the requested record does exist. See *Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). Here, the Appellant has not established a *prima facie* case that a National Registry Certificate or any related documentation exists. Rather, his belief that such a certificate exists is apparently the result of a misunderstanding. Accordingly, the Complex did not violate the Act when it did not provide records that do not exist.

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
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s/ James M. Herrick
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