



COMMONWEALTH OF KENTUCKY  
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**23-ORD-303**

November 13, 2023

In re: Jan D. Blythe/Franklin County Regional Jail

**Summary:** The Office cannot find that the Franklin County Regional Jail (“the Jail”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties as to whether the Jail received a request to inspect records.

***Open Records Decision***

Inmate Jan D. Blythe (“Appellant”) claims that on August 31, 2023, he submitted a request to the Jail to inspect a disciplinary report related to a “physical altercation” in which he was “allegedly involved.” On October 10, 2023, having received no response from the Jail, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records 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.” The Office has found it cannot resolve factual disputes between parties, such as whether an agency received a request to inspect records. *See, e.g.*, 23-ORD-005; 22-ORD-216; 22-ORD-148; 22-ORD-125; 22-ORD-100; 22-ORD-051; 21-ORD-163.

Here, the Appellant claims he submitted a request to the Jail on August 31, but it did not respond to his request. In contrast, on appeal, the Jail states it did not respond to the Appellant’s request because it “has no record of having ever received” it. The Office is unable to resolve the factual dispute between the parties as to if the Jail received the Appellant’s request to inspect records or find that it violated the Act.

A party aggrieved by this decision may appeal it by initiating an 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](mailto: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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