



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-009

January 17, 2024

In re: Uriah Pasha/Kentucky Parole Board

Summary: The Office cannot find that the Kentucky Parole Board (“the Board”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records it claims it did not receive.

Open Records Decision

Uriah Pasha (“Appellant”) claims that, on December 1, 2023, he submitted a request to the Board to obtain a copy of the Board’s policies and procedures. Specifically, he sought KYPB 13-02, as “revised to include the language contained in 2020 Ky. [House Bill] 284.” Having received no response by December 19, 2023, the Appellant initiated this appeal.

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.” KRS 61.880(1). On appeal, the Board claims it “has no record of receiving” the request.¹ The Office has routinely found it is unable to resolve factual disputes between the parties to an appeal under KRS 61.880(2)(a), including disputes about whether the public agency received the 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. Accordingly, the Office cannot find that the Board violated the Act when it did not respond to a request it claims it did not receive.

¹ The Board also claims the Appellant failed to perfect his appeal because he did not provide a copy of the Board’s response. However, a person may appeal an agency’s alleged failure to respond to a request by providing the Office with a copy of the request. KRS 61.880(2)(a). Clearly, if the Board did not receive the request, as it claims, then the Appellant would not have received a response to include with his appeal.

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.

Russell Coleman
Attorney General

/s/ Marc Manley
Marc Manley
Assistant Attorney General

#572

Distributed to:

Uriah Pasha #092028
Seth Fawns
Stephanie DeFrancesco
Angela Tolley