



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-040

February 20, 2024

In re: James Harrison/Lee County Sheriff's Office

Summary: The Office cannot find that the Lee County Sheriff's Office ("the agency") violated the Open Records Act ("the Act") because the Office cannot resolve the factual dispute between the parties concerning receipt of a request for records.

Open Records Decision

On January 5, 2024, James Harrison ("Appellant") allegedly mailed a request to the agency for copies of certain sections of its policy manual and documents concerning the transfer of records. Having received no response by January 29, 2024, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must respond within five business days after receipt of a request for records. Here, the Appellant claims the agency failed to timely respond to his request. However, the agency states it did not receive the request before receiving notice of this appeal on February 1, 2024, and issued a response to the Appellant on the same date. Because the Office cannot adjudicate disputed issues of fact, such as whether an agency received a request to inspect records, the Office cannot find that the agency's response in this case was untimely. *See, e.g.*, 22-ORD-010. Accordingly, the Office cannot find that the agency violated the Act.

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.

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