



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-060

March 8, 2024

In re: Cynthia Sexton/Elliott Circuit Court Clerk

**Summary:** The Open Records Act (“the Act”) does not apply to records of the Elliott Circuit Court Clerk (“the Clerk”).

***Open Records Decision***

On January 22, 2024, and January 31, 2024, Cynthia Sexton (“Appellant”) submitted requests to the Clerk for copies of certain video recordings. Having received no response by February 13, 2024, the Appellant initiated this appeal.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is purportedly the custodian of the requested records, was not required to respond to the request. *See* 98-ORD-6. Accordingly, the Office dismisses the appeal.<sup>1</sup>

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.

---

<sup>1</sup> The Office notes that the Supreme Court of Kentucky has adopted its own policies and procedures for requesting copies of court records from the judicial branch. Information on requesting court records is posted on the Court of Justice website at <https://www.kycourts.gov/Pages/open-records-request.aspx> (last accessed March 8, 2024).

**Russell Coleman**  
**Attorney General**

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

#60

Distributed to:

Ms. Cynthia Sexton  
Jason Ison, Clerk  
Katie C. Comstock, Esq.