



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-125

May 16, 2024

In re: Uriah M. Pasha/Kentucky Parole Board

Summary: The Office is unable to find that the Kentucky Parole Board (the “Board”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties.

Open Records Decision

Inmate Uriah M. Pasha (“Appellant”) claims that on March 26, 2024, he submitted a request to the Board for “a copy of the Kentucky Parole Board Policies and Procedures Manual including KYPD 11-00, and the sanctions for Associating with A Convicted Felon.”¹ On April 22, 2024, the Appellant initiated this appeal, claiming he had yet to receive a response from the Board to his request.

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). The Office has previously found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received an agency’s response to his request. *See, e.g.*, 23-ORD-337; 23-ORD-220.

Here, the Appellant claims that he submitted a request to the Board on March 26, 2024, and that it did not respond to his request. On appeal, the Board asserts it did not receive the Appellant’s request until April 11, 2024. It then issued a timely

¹ As proof that he mailed the request, the Appellant provides an accounting statement from his inmate account documenting a “Check Written against Inmate” in the amount of \$20.00, which he claims he provided to the Board as prepayment for “copy fees” and “postage” for the requested records.

response on April 16, 2024.² The Office is unable to resolve the factual dispute between the parties about whether the Appellant received the Board's response to his request 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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#217

Distributed to:

Uriah M. Pasha #092028
Angela D. Tolley

² On appeal, the Board provides a stamped copy of the Appellant's request showing it was received on April 11, 2024, and its response to the request, dated April 16, 2024. The Board granted the Appellant's request, but stated the copying fee would be \$7.20, but asked the Appellant to provide payment for the exact amount and returned his "\$20.00 money order."