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24-ORD-233

November 8, 2024

In re: Steve Roberson/Simpson County Detention Center

**Summary:** The Simpson County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when it denied a request that precisely described the records sought. The Office cannot find that the Center violated the Act when it made available more records than what the Appellant considered to be responsive to his request.

***Open Records Decision***

On August 9, August 22, and September 9, 2024, inmate Steve Roberson (“Appellant”) submitted a series of requests to the Center seeking records related to his incarceration and created between August 22, 2022, and August 2, 2024. In response to the August 9 request for “all documentation relating to [his] incarceration” on the specified dates, the Center asked the Appellant to be more specific regarding the records he sought. On August 22, the Appellant stated that his request was sufficiently specific. In response, the Center stated that it possessed 91 pages of responsive documents that would be mailed upon payment of \$19.20 for mailing and copying fees. In response, the Appellant modified his request to seek records related to his “booking” and “arrest” on or about August 22, 2022, “and any documented medical procedures performed on” the Appellant on that date. In response, the Center stated it possessed a total of 164 pages of records responsive to both requests that would be mailed upon payment of \$26.50 in mailing and copying fees. This appeal followed.

Under KRS 61.872(3)(b), a person may receive copies of public records by mail “after he or she precisely describes the public records which are readily available within the public agency.” The Office has found that a description is precise under KRS 61.872(3)(b) “if it describes the records in definite, specific, and unequivocal terms.” The Appellant sought “all documentation relating to [his] incarceration” and narrowed his request to records created between August 22, 2022,

and August 2, 2024. Although such a request could potentially be unreasonably burdensome, it is not imprecise.<sup>1</sup> *See e.g.*, 22-ORD-213 (finding that a request for all records of a particular type “does not make the request unclear,” but instead, might make a request unreasonably burdensome if the agency provides clear and convincing evidence). Thus, the Center improperly denied the Appellant’s August 9 request under KRS 61.872(3)(b).

The Appellant’s September 9 request modified his request to seek “document[s] relating to [his] booking” on August 22, 2022 “and any documented medical procedures performed on [him] on [that] date.” In response, the Center states it has compiled all records associated with the Appellant’s booking and all records in the Appellant’s “complete medical file.”

The Office cannot resolve factual disputes between a requester and a public agency about the content of the records produced. *See, e.g.*, 23-ORD-050; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Thus, the Office cannot find that the Center violated the Act when it determined that 164 pages of records are responsive to the Appellant’s September 9 request.<sup>2</sup>

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).

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

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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<sup>1</sup> After the Appellant declined to narrow his request, the Center identified 91 records responsive to his request and offered to make them available upon payment of copying and mailing fees. Thus, the August 9 request was not unreasonably burdensome. *See* KRS 61.872(6).

<sup>2</sup> To the extent the Appellant has challenged the fees proposed by the Center, the Act permits agencies to require prepayment of copying and mailing fees before providing copies of records by mail. *See* KRS 61.874(1). Furthermore, 10 cents per page is a reasonable fee for hard copies. *See Friends v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985).

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Distributed to:

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