



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-244

November 21, 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”) because the Office cannot resolve the factual dispute between the parties.

### *Open Records Decision*

On August 21, 2024, Uriah Pasha (“Appellant”) submitted a request to the Board seeking two copies of the recording from his August 21, 2024, parole eligibility hearing. On October 25 and November 1, 2024, the Appellant initiated two identical appeals claiming he had yet to receive a response from the Board.<sup>1</sup>

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 asserts it issued a timely response to the Appellant’s request. As proof, the Board provides a copy of the Appellant’s request, dated August 21, 2024, and its timely response, dated August 27, 2024. The Board also provides a copy of a subsequent request from the Appellant, which included a copy of the Board’s August 27 response.

The Office has regularly found it is unable to resolve factual disputes between a requester and an agency, such as whether a requester received an agency’s response to his request. *See, e.g.*, 23-ORD-220; 21-ORD-233. Accordingly, here, the Office

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<sup>1</sup> Because the Appellant has raised the same issue in both appeals, *i.e.*, timeliness, the Office has consolidated them. *See, e.g.*, 23-ORD-034; 22-ORD-167.

cannot resolve the factual dispute between the parties or find that the Board violated the Act.<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.

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

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

#428 & #445

Distributed to:

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<sup>2</sup> The Board further argues that the Appellant is attempting to circumvent the 20-day period in which an inmate may seek the Office's review. *See* KRS 197.025(3). However, even if the Office accepted as true the Board's assertion that it responded to the Appellant's August 21 request, the Office would lack jurisdiction to issue a decision because the Appellant did not include that request when he submitted his appeal. *See* KRS 61.880(2)(a).