



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-127

May 15, 2025

In re: Uriah Pasha/Lee Adjustment Center

**Summary:** The Lee Adjustment Center (“the Center”) did not violate the Open Records Act (“the Act”) when it withheld pre-parole progress reports under KRS 61.878(1)(j).

### *Open Records Decision*

Inmate Uriah Pasha (“the Appellant”) submitted a request to the Center for a copy of pre-parole progress reports prepared in advance of his parole hearings on November 1, 2025, August 21, 2024, and October 20, 2022. The Center denied the request under KRS 61.878(1)(j) on the grounds that the reports<sup>1</sup> were “preliminary document[s] that [were] not adopted by the Parole Board as part of its parole decision.” In addition, the Center denied the request because “the assessment is prepared from the PSI [presentence investigation] and contains information gathered by probation and parole officers and is exempt pursuant to KRS 439.510.” This appeal followed.

KRS 61.878(1)(j) exempts from public disclosure “[p]reliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.” Records subject to KRS 61.878(1)(j) lose their exempt status only when adopted by the agency as the basis of its final action. *See Ky. State Bd. of Med. Licensure v. Courier-Journal & Louisville Times Co.*, 663 S.W.2d 953, 956–57 (Ky. App. 1983) (citing *City of Louisville v. Courier-Journal & Louisville Times Co.*, 637 S.W.2d 658 (Ky. App. 1982)). In OAG 92-125, the Office described a pre-parole progress report as a record that “contains the caseworker’s opinions in such areas as staff interaction, psychological and psychiatric condition, medical condition and work performance,” which is therefore “a preliminary document containing opinions, observations, and recommendations [that] is purely advisory

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<sup>1</sup> In its response, the Center referred to the document as a “Parole Board Risk and Needs Assessment,” whereas on appeal the Center refers to it as a “Pre-Parole Progress Report.” The two terms appear to have the same meaning.

and is one of several documents submitted to the Parole Board for its consideration.” Accordingly, pre-parole progress reports are exempt from disclosure under KRS 61.878(1)(j) unless they are adopted as the basis of the Parole Board’s final action. *See, e.g.*, 17-ORD-060; 14-ORD-150; 12-ORD-230. Here, the Center asserts the reports were not adopted as the basis of final action. Therefore, the Center did not violate the Act when it denied the Appellant’s request.<sup>2</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.

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
James M. Herrick  
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Distributed to:

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<sup>2</sup> Because KRS 61.878(1)(j) is dispositive of the issues on appeal, it is unnecessary to address the Center’s alternative argument under KRS 439.510.