



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-148

June 10, 2025

In re: Elbert Long/Kentucky State Reformatory

Summary: The Office cannot find that the Kentucky State Reformatory (“the Reformatory”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual disputes between the parties.

Open Records Decision

Inmate Elbert Long (“Appellant”) claims that between August 15, 2022, and March 26, 2025, he submitted seven requests to the Reformatory for a copy of a “[p]roperty [i]nventory” related to transfers to the Eastern Kentucky Correctional Complex, mostly dated June 24, 2022.¹ On April 28, 2025, the Appellant initiated this appeal, claiming the Reformatory has not responded to any of his eight requests.

Under KRS 61.880(1), 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.” Here, the Appellant claims he submitted his requests to the Reformatory between August 15, 2022, and March 26, 2025, and that he never received any response from the Reformatory. On appeal, the Reformatory claims it did not receive any of the requests the Appellant provided with his appeal request except for the March 26, 2025, request. The Reformatory asserts it received that request on April 10, 2025, and issued a response on April 17, 2025.² As proof, the Reformatory provides a copy of that request and its response.

¹ An eighth request sought property inventory records for transfers to the Eastern Kentucky Correctional Complex dated between May 2019 and June 2022.

² The Reformatory, in its April 17 response, stated it needed additional time to fulfill the request. See KRS 61.872(5). Because this appeal was brought due to an alleged failure to respond, the adequacy of the Reformatory’s April 17 response is not ripe for review. See, e.g., 23-ORD-135 n.3.

The Office has routinely found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request or whether an agency received a request. *See, e.g.*, 24-ORD-184 (factual dispute as to whether an agency received a request); 23-ORD-276 (factual dispute as to whether a requester received a response to his request). Accordingly, the Office cannot find the Reformatory violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the Reformatory's response to his March 26 request or whether the Reformatory received any of the Appellant's other requests.³

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
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/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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³ On appeal, the Reformatory states that it will provide the requested record to the Appellant upon payment of the prescribed fee. *See* KRS 61.874(1).