



COMMONWEALTH OF KENTUCKY
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25-ORD-221

August 18, 2025

In re: Jarod Weiss/Lee Adjustment Center

Summary: The Office cannot find that the Lee Adjustment Center (“the Center”) violated the Open Records Act (“the Act”), because the Office is unable to resolve the factual dispute between the parties.

Open Records Decision

On July 3, 2025, Jarod Weiss (“Appellant”) submitted two requests to the Center.¹ On July 14, 2025, having claimed he had yet to receive any response from the Center, the Appellant initiated this appeal.

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

Here, the Appellant submitted two requests to the Center on July 3, 2025, and claims that as of July 14, 2025, he had yet to receive any response from the Center. On appeal, the Center asserts it timely responded to both of the Appellant’s requests

¹ The Appellant first requested a “classification appeal denial by [a specific individual] dated June 23, 2025” that is in his “file” and “letters mailed” to two specific people by the Appellant between April 10, 2025, and April 20, 2025. Second, he requested “classification notes or documents entered in [his] file between the dates of April 10, 2025[,] to April 26, 2025” as well as a “work assignment request form or April 9 and 10th, 2025.”

on July 8 and 10, 2025, respectively.² As proof, the Center provides copies of two responses, dated July 8 and 10, 2025, granting the Appellant's requests. As such, there is a factual dispute between the parties regarding whether the Center responded to the Appellant's requests. The Office therefore cannot find that the Center violated the Act because it cannot resolve the factual dispute between the parties.

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

#342

Distributed to:

Jarod Weiss #159892
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² The Center further explains that, because July 4 is a public holiday, *see* KRS 2.110(1), it "is not counted in the 5-day calculation for responses." *See* KRS 61.880(1) (requiring agencies to respond to a request "within five (5) days, excepting Saturdays, Sundays, and *legal holidays*" (emphasis added)).