



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-254

September 12, 2025

In re: Christopher Pope/Boyle County Sheriff's Office

Summary: The Office cannot find that the Boyle County Sheriff's Office ("the Sheriff's Office") violated the Open Records Act ("the Act"), because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On June 25, 2025, Christopher Pope ("Appellant") submitted a request to the Sheriff's Office for records related to the resignation of a former employee. On August 4, 2025, having received no response from the Sheriff's Office, 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."

Here, the Appellant submitted his request to the Sheriff's Office on June 25, 2025, and claims he had yet to receive a response to his request as of August 4, 2025. On appeal, the Sheriff's Office asserts it did respond to the Appellant's request. As proof, the Sheriff's Office provides a copy of a letter, dated July 1, 2025, that it claims to have sent to the Appellant in response to his request.¹

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

¹ The July 1 letter denied the Appellant's request because the Sheriff's Office did not possess any records responsive to the Appellant's request. That response is not ripe for review because the Appellant brought this appeal solely on the issue of an alleged failure to respond. *See, e.g.*, 23-ORD-135 n.3.

response to his request. *See, e.g.*, 23-ORD-276. Similarly, here, the Office is unable to resolve the factual dispute between the Appellant and the Sheriff's Office or find that the Sheriff's Office violated the Act.

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

#411

Distributed to:

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