



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-257

September 12, 2025

In re: Daniel Feldman/Jefferson County Sheriff's Office

Summary: The Office cannot find that the Jefferson 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 concerning receipt of a request for records.

Open Records Decision

On June 17, 2025, Daniel Feldman ("Appellant") submitted a six-part request to the Sheriff's Office, sending it to the email addresses of two Sheriff's Office employees. In response, the Appellant received automated responses stating his email had been blocked. On August 14, 2025, having received no further 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." On appeal, the Sheriff's Office explains that it did not receive the Appellant's request sent to the first employee because the Appellant sent his email to a misspelled email account. Regarding the second employee, the Sheriff's Office states that it has no record of a request submitted to her.¹ The Appellant maintains that is because the Sheriff's Office blocked emails sent from his email account. As such, the parties disagree regarding whether the Sheriff's Office received the request and whether the Appellant's emails have been blocked. However, because the Office cannot adjudicate

¹ The Sheriff's Office also states that the second employee is able to receive emails from the Appellant's email account. Further, the Appellant did not submit his request to the Sheriff's Office's records custodian. See KRS 61.872(2)(b)4. (a request submitted by email must be sent "to the public agency's official custodian of public records or his or her designee at the e-mail address designated in the public agency's rules and regulations"). The contact information for the Sheriff's Office's records custodian is available on its website. See <https://www.jcsoky.org/open-records-request> (last visited Sept. 12, 2025).

disputed issues of fact, such as whether an agency received a request to inspect records, the Office cannot find that the Sheriff's Office failed to respond in a timely manner. *See, e.g.*, 22-ORD-010.

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

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Distributed to:

Daniel J. Feldman
Major Mike Littlefield
John T. McGarvey, Esq.