



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-263

September 19, 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 did not provide records that do not exist.

Open Records Decision

Inmate Uriah Pasha (“the Appellant”) submitted a request to the Center for a copy of all “Staff Contact Forms” mailed by him to a certain officer between July 27 and August 1, 2025. In a timely response, the Center stated there were no records responsive to the Appellant’s request. This appeal followed.

Once a public agency states affirmatively that no responsive records exist, the burden shifts to the requester to make a *prima facie* case that the records do exist. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester makes a *prima facie* case that the records do or should exist, “then the agency may also be called upon to prove that its search was adequate.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 848 n.3 (Ky. 2013) (citing *Bowling*, 172 S.W.3d at 341). A requester must provide some evidence to make a *prima facie* case that requested records exist, such as the existence of a statute or regulation requiring the creation of the requested record or other factual support for the existence of the records. *See, e.g.*, 21-ORD-177; 11-ORD-074. A requester’s bare assertion that certain records should exist is insufficient to make a *prima facie* case that the records actually do exist. *See, e.g.*, 22-ORD-040.

Here, the Appellant presents evidence that he sent Staff Contact Forms to the officer both before and after the time mentioned in the request, but no evidence he sent any forms between July 27 and August 1, 2025. Thus, the Appellant has not presented a *prima facie* case that any responsive records exist or should exist. Accordingly, the Office cannot find that the Center violated the Act.

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

Assistant Attorney General

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Distributed to:

Uriah Pasha, #092028

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