



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-272

September 25, 2025

In re: Steven Sheangshang/Eastern Kentucky Correctional Complex

Summary: The Eastern Kentucky Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) when it failed to conduct an adequate search for records, but did not violate the Act when it failed to provide records that do not exist.

Open Records Decision

Inmate Steven Sheangshang (“the Appellant”) submitted a request to the Complex seeking “disciplinary actions, reports, and summaries” involving him and created by officials at “the Bourbon and Fayette County Detention Centers” between his arrest in 2023 and his transfer to the Complex. In response, the Complex denied the requests, stating it does not possess the requested records and the identified facilities are the custodian of such records. This appeal followed.

After this appeal was initiated, the Complex conducted another search for records and located responsive records relating to the Bourbon County Detention Center. The Complex maintains that it does not possess records related to the Fayette County Detention Center. Once a public agency states affirmatively that a record does not exist, the burden shifts to the requester to make a *prima facie* case that the requested record does or should 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 public 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).

When a subsequent search reveals additional records not previously found, the agency’s initial search “was clearly insufficient to locate all responsive records.” 25-ORD-165; 21-ORD-242, 21-ORD-178. Regarding the Appellant’s request for records related to the Bourbon County Detention Center, the Complex’s subsequent production of documents demonstrates that its initial search was inadequate and, therefore, violated the Act. Regarding the Appellant’s request for records related to

the Fayette County Detention Center, the Appellant has not made a *prima facie* case that the Complex possesses any such records. Accordingly, the Complex did not violate the Act when it did not provide such records to the Appellant.¹

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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¹ In its initial response and on appeal, the Complex provided the contact information of the Fayette County Detention Center to the Appellant and identified it as the agency likely to possess the requested records. See KRS 61.872(4).