



COMMONWEALTH OF KENTUCKY
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25-ORD-273

September 26, 2025

In re: Harold Jones/Roederer Correctional Complex

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

Open Records Decision

On August 8, 2025, inmate Harold Jones (“Appellant”) submitted a request to the Complex for “any email” records related to “Grievance Number 25-067[.]” On August 19, 2025, the Appellant initiated this appeal, claiming that the Complex failed “to notify [him] in writing that such records responsive to the this request does not exist.”

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 Complex on August 8, 2025, but as of August 19, 2025, he had yet to receive a written response to his request.

On appeal, the Complex asserts that it did not respond to the Appellant’s request because it never received it. The Complex states that, upon receiving the notice of appeal, it “promptly conducted a diligent search of the Kentucky Offender Management System (‘KOMS’) and confirmed it had no record of receiving the [request] that Appellant purportedly submitted on August 8, 2025.” The Office has routinely found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g.*, 24-ORD-184 (holding that the Office cannot resolve the factual dispute as to whether an agency

received a request). Accordingly, the Office is unable to resolve the factual dispute between the parties regarding whether the Complex received the Appellant's request or find that the Complex violated the Act when it failed to respond to the Appellant's request within five business days.

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

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Distributed to:

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