



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-292

October 2, 2025

In re: Jon Griggs/Livingston County Sheriff's Office

Summary: The Office cannot find that the Livingston 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

Jon Griggs ("Appellant") claims that on July 7, 2025, he submitted a request to the Sheriff's Office for a specific employee's personnel file and the employee's body-worn camera footage from a traffic stop involving the Appellant. On September 7, 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" (emphasis added). Here, the Appellant claims he submitted a request to the Sheriff's Office on July 7, 2025, and as of September 7, 2025, he had yet to receive a written response from the Sheriff's Office. As proof, he provides a mobile phone screen capture depicting an email sent on July 7, 2025, from a specific email address.¹ However, the screen capture does not indicate to what address the email was sent.

¹ Also, as proof, the Appellant states that "[o]n July the 8th 2025 [he] spoke with [the Sheriff's Office] about the incident" and that he "also messaged [the Sheriff's Office] about [his] intent to file a formal complaint and requested [his] open records [request] be fulfilled." The Appellant further states that "[he] received a voicemail after the records deadline from the [Sheriff's Office] telling" him that the Sheriff's Office "never got an open records request from" him. Further, the Appellant states that "multiple IP addresses in close proximity to the "Sheriff's Office" visited [his] website within an hour of receipt of [his] original request, something which has never happened in the years it has been

In contrast, on appeal, the Sheriff's Office states that it did not respond to the Appellant's request because it did "not receive[] an Open Records Request from" the Appellant. The Sheriff's Office explains that, upon receiving the notice of appeal, it searched its email account's "inbox, trash, and junk mail" but "nothing was found."² The Office has regularly 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 (factual dispute as to whether an agency received a request). Thus, the Office cannot find the Sheriff's Office violated the Act because the Office cannot resolve the factual dispute between the parties regarding whether the Sheriff's Office received the Appellant's request.

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:

Jon Griggs
Allen O. Wilson
Bobby Davidson
Shannon Edging

active." However, on appeal, the Sheriff's Office disputes the Appellant's factual narrative of events and provides its own factual narrative. However, as discussed below, the Office has previously found that it cannot resolve factual disputes between the parties to an appeal. *See, 21-ORD-163.*

² The Sheriff's Office states it had a phone conversation with the Appellant during which it told him that because "a citation was not written" related to the incident, it "would not have [any] paperwork or anything else to release" to him. The Sheriff's Office also advised the Appellant to speak with "the 911 Director and Records Custodian for all communications."