



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-026

January 21, 2026

In re: Marvin Pennington/Northpoint Training Center

Summary: The Office cannot find that the Northpoint Training Center (“the Center”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties.

Open Records Decision

On December 8, 2025, inmate Marvin Pennington (“Appellant”) submitted a request to the Center for records. On December 22, 2025, the Appellant initiated this appeal, claiming the Center did not respond to his request.

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.” According to the Appellant, on December 22, 2025, he had yet to receive a response to his December 8, 2025, request. But on appeal, the Center asserts that it received the Appellant’s request on December 15 and responded to it on December 22, 2025, five business days later. As proof, the Center provides a copy of its response dated December 22, 2025.

The Office has routinely found that it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received a response to his request. *See, e.g.,* 23-ORD-276 (factual dispute as to whether a requester received a response to his request). Accordingly, the Office cannot find the Center violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the Center’s response to his December 8 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:

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