



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

26-ORD-047

February 12, 2026

In re: Damon Cruse/Taylor County Sheriff's Office

**Summary:** The Taylor County Sheriff's Office ("the Sheriff's Office") did not violate the Open Records Act ("the Act") when it did not provide records that do not exist.

***Open Records Decision***

Damon Cruse ("the Appellant") submitted a request to the Sheriff's Office for the "Sheriff's report on an incident" in which the Appellant's vehicle was stopped on April 13, 2021, along with body camera footage and "all audio-video communications" between the Sheriff's Office and the Kentucky State Police related to the incident. In response, the Sheriff's Office stated it had no records because it was not involved in the traffic stop. The Sheriff's Office provided a printed report showing that the traffic stop was conducted by the Campbellsville Police Department. Further, the Sheriff's Office stated that "Taylor County 911 Dispatch could find no information relating to [the Sheriff's Office] and the traffic stop," nor could the Sheriff "find [any] information concerning any communication between anyone in [the] Sheriff's Office and the Kentucky State Police for this date." 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 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 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 no evidence that the Sheriff's Office possesses, or should possess, records related to the traffic stop. Moreover, on appeal, the Sheriff's Office provides a Computer Aided Dispatch (CAD) report showing the Campbellsville Police Department and the Kentucky State Police as the only agencies involved in the incident. Thus, the Appellant has not made a *prima facie* case that any responsive records do or should exist in the possession, custody, or control of the Sheriff's Office. Accordingly, the Office cannot find that the Sheriff's Office 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:

Damon Cruse, #329951  
Dicky Benningfield, Sheriff  
John Bertram, Esq.