



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-048

February 12, 2026

In re: Demonte Whitfield/Eastern Kentucky Correctional Complex

Summary: The Eastern Kentucky Correctional Complex (the “Complex”) did not violate the Open Records Act (“the Act”) when it denied an inmate’s request for a certified account statement due to his inability to pay the copying fee.

Open Records Decision

Inmate Demonte Whitfield (“the Appellant”) requested a six-month “Certification of Inmate Accounts” from the Complex. In a timely response, the Complex denied the request because the Appellant had insufficient funds in his inmate account to pay the fee of 20 cents for two pages. This appeal followed.

Under KRS 61.874(1), “[w]hen copies are requested, the custodian may require . . . advance payment of the prescribed fee.” Thus, an inmate is entitled to receive a copy of a record only after “complying with the reasonable charge of reproduction.” *Friend v. Rees*, 696 S.W.2d 325, 326 (Ky. App. 1985); *see also* 23-ORD-176; 23-ORD-029; 95-ORD-105. Further, ten cents per page is a reasonable charge for copies. *Id.*

The Appellant, however, claims he should not have to pay for the specific record he requested. Specifically, the Appellant argues he is entitled to a free copy of the certified statement under “the fundamental concepts of Due-Process” because he needs the statement to proceed in the courts *in forma pauperis*. However, constitutional issues cannot be adjudicated in an appeal under the Act. *See, e.g.*, 24-ORD-152. Moreover, the Office has upheld a copying fee of 10 cents per page for the specific type of record requested by the Appellant. *See, e.g.*, 23-ORD-176. Therefore, the Complex did not violate the Act when it denied the Appellant’s request.¹

¹ The Appellant also claims the Complex should not have imposed a copying fee under the Act because he did not make a request under the Act. In that case, however, the Appellant has no right of appeal under the Act. *See* KRS 61.880(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/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Demonte Whitfield, #325606
Nathan Goens, Esq.
Charles B. Bates, Esq.
Sara Talarigo
Ann Smith