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26-ORD-096

March 16, 2026

In re: Kurt Wallace/Office of the Attorney General

**Summary:** The Office of the Attorney General (“the Office”) did not violate the Open Records Act (“the Act”) when it did not provide records it does not possess.

***Open Records Decision***

On February 6, 2026, Kurt Wallace (“Appellant”) submitted a twelve-part request to the Office seeking training or continuing education materials related to “sovereign citizens.” In a timely response, the Office stated that it does not possess any records responsive to the Appellant’s request. This appeal followed.

On appeal, the Office maintains that it does not possess any records responsive to the Appellant’s request. Once a public agency states affirmatively that a record does not exist, the burden shifts to the requester to make a *prima facie* case that the requested record does or should exist. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester is able to make a *prima facie* case that the record does or should exist, then the public 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’s bare assertion that a public agency should or must possess the requested records is not adequate to make a *prima facie* showing that the agency does, in fact, possess the records. *See, e.g.*, 22-ORD-040. Rather, to make a *prima facie* showing the agency possesses or should possess the requested records, the requester must provide a statute, regulation, or other factual support for that contention. *See, e.g.*, 21-ORD-177; 11-ORD-074.

Here, in an attempt to make a *prima facie* case that the training records exist, the Appellant first asserts that in an unidentified “prior matter” the Office received

“three registered mail receipts” that “were marked or classified as ‘Sov Citz.’” But the alleged existence of mail receipts bearing those words does not make a *prima facie* case that the Office possesses training materials on the topic of sovereign citizens. Next, the Appellant refers to (1) a “May 2019 bulletin publication” from the Kentucky League of Cities related to sovereign citizens and (2) alleged communication between “City of Hillview with the Federal Bureau of Investigation . . . concerning sovereign citizen matters.” According to the Appellant, the bulletin and communications prove that the Office has received training materials regarding sovereign citizens because the Office possesses “ministerial oversight responsibilities.” The Appellant provides no legal or factual support for this claim. Rather, he merely asserts that the Office must possess the training materials. Thus, the Appellant has not made a *prima facie* case that the Office possesses additional responsive records.

However, even if the Appellant had made a *prima facie* case that the mailing records exist, the Office has described, in detail, the search it conducted. An adequate search for records is one using methods reasonably designed to find responsive records. *See, e.g.*, 95-ORD-096. Reasonable search methods include reviewing the files pertaining to the general subject matter of the request, and the files of employees either specifically mentioned in the request or whose job duties are related to the subject matter of the request. *See, e.g.*, 19-ORD-198. To carry its burden of explaining how its search was adequate, an agency must, at a minimum, specifically describe the types of files or identify the employees whose files were searched. *See id.* Here, the Office “searched records located within the Office of Legal Counsel that reviews most, if not all of the publications that are released by the Office—including some trainings.” As such, even though the Appellant has not made a *prima facie* case that responsive records exist, the Office has demonstrated that it conducted an adequate search for the records. Thus, the Office did not violate the Act.

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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
Zachary M. Zimmerer  
Assistant Attorney General

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Distributed to:

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