



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-111

March 23, 2026

In re: Jennifer Simpson/Adair County E-911 Center

Summary: The Office cannot find that the Adair County E-911 Center (“the 911 Center”) violated the Open Records Act (“the Act”) because the Office cannot resolve factual disputes between the parties regarding the delivery and receipt of the request.

Open Records Decision

On February 19, 2026, Jennifer Simpson (“the Appellant”) submitted a request to the 911 Center asking for copies of “[a]ny and [a]ll records pertaining to The Barn at Cedar Grove [“the Barn”] located at 1000 Brockman Keltner Rd. Greensburg, KY 42742,” dating to 2011. On February 27, 2026, the Appellant initiated this appeal challenging the alleged failure of the 911 Center to send a timely response upon receipt of her February 19 request.

On appeal, the 911 Center advised that it “did not receive the open records request and therefore did not know to respond. The email address that the request was sent to has not been used in approximately 5 years.”¹ The County Attorney included copies of eight responsive Computer-Aided Dispatch (“CAD”) Reports. Upon receiving the 911 Center’s response, including the CAD Reports, the Appellant asserted that the 911 Center possesses additional, responsive records but did not provide any objective proof to support that assertion.²

¹ The 911 Center further provided the current email address it uses for open records requests.

² Once a public agency states affirmatively that it does not possess any responsive records, the burden shifts to the requester to make a *prima facie* case that such records do exist in the agency’s possession, custody, or control. *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 a public agency possesses the records, “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). Because the Appellant initiated this appeal due to the 911 Center’s alleged failure to timely respond to her request, however, the substance of its response is not ripe for review. *See, e.g.*, 25-ORD-293 n.1; 23-ORD-135 n.3.

The Office has consistently found it cannot resolve factual disputes between a requester and a public agency, including disputes regarding whether a public agency received a request or a requester received a public agency's response. *See* 22-ORD-125 (agency claimed it did not receive the request); 22-ORD-100 (same); 22-ORD-051 (same); 21-ORD-163 (same); *see also* 21-ORD-233 (agency claimed it sent a response, but the requester claimed he did not receive it). Here, as before, the Office cannot resolve the factual dispute between the parties regarding whether the 911 Center received the Appellant's February 19 request prior to receiving notice of her appeal. Accordingly, the Office cannot find the 911 Center 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/ Michelle D. Harrison

Michelle D. Harrison

Assistant Attorney General

#151

Distributed to:

Jennifer Simpson, Appellant

Jennifer Hutchison-Corbin, Adair County Attorney

Derrick Murphy, Adair County E-911 Director