



COMMONWEALTH OF KENTUCKY
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26-ORD-124

March 25, 2026

In re: Kyle Thompson/Luther Luckett Correctional Complex

Summary: The Office cannot find that the Luther Luckett Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On January 28, 2026, inmate Kyle Thompson (“Appellant”) submitted two requests to the Complex. On February 12, 2026, claiming he had not received any responses from the Complex, the Appellant initiated this appeal.

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.” KRS 61.880(1). Here, the Appellant claims he submitted his requests to the Complex on January 28, and that, as of February 12, he had yet to receive any response. On appeal, the Complex states that it received the Appellant’s two requests on February 6 and that it sent timely responses that same day.

The Office has regularly found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request or a requester received a response to it. *See, e.g., 23-ORD-276* (factual dispute as to whether a requester received a response to his request). Similarly, here, the Office cannot find the Complex violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the Complex’s responses to his two requests.

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

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Distributed to:

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