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26-ORD-128

March 26, 2026

In re: Quaray Hamlett/Roederer Correctional Complex

Summary: The Roederer Correctional Complex (“the Complex”) violated the Open Records Act (“the Act”) when it failed to cite an exception to the Act or to explain how the exception applied to the record withheld. However, the Complex carried its burden on appeal that KRS 197.025(2) authorized it to deny inspection of the requested records.

Open Records Decision

Quaray Hamlett (“the Appellant”), an inmate currently incarcerated at the Lee Adjustment Center, submitted a request to the Complex for a copy of its “outgoing ‘legal mail log’ for the dates of Oct[ober] 15, 2024[,] to June 5, 2025.” In a timely response, the Complex denied the request on the grounds that “there are no legal logs for those dates where [the Appellant] could have mailed out.” This appeal followed.

When a public agency denies a request under the Act, it must cite the applicable exception to the Act and give “a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1). The agency’s explanation must “provide particular and detailed information,” not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). Here, the Complex neither cited an exception to the Act nor explained how the exception applied to the requested records. Thus, the Complex violated the Act. *See, e.g.*, 21-ORD-099.

On appeal, the Complex explains that the request was denied under KRS 197.025(2), which is incorporated into the Act by KRS 61.878(1)(l) and provides, “the department shall not be required to comply with a request for any record from any inmate confined in a jail or any facility . . . unless the request is for a record which contains a specific reference to that individual.” The Office has held that the phrase “specific reference to that individual” means the record must refer to the requesting inmate by name. *See, e.g.*, 23-ORD-347; 17-ORD-073. Here, the Complex states the Appellant was transferred from the Complex to another facility of October 31, 2024.

Therefore, during the period covered by the request, the Appellant could only have sent mail from the Complex between October 15 and October 31, 2024. The Complex asserts that no mail logs with the Appellant's name exist for that period.

Once a public agency states affirmatively that records do not exist, the burden shifts to the requester to make a *prima facie* case that the records do 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 provides a copy of a letter from the warden of the Complex stating that a disciplinary appeal from the Appellant was received at the Complex on June 5, 2025. This, however, does not constitute evidence that the Appellant sent any mail *from* the Complex during October 2024, the only relevant time when he could have done so. Thus, the Appellant has not made a *prima facie* case that any responsive records exist that he would be eligible to obtain under KRS 197.025(2).¹ Accordingly, the Complex did not violate the Act when it denied the Appellant's request.

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

¹ The Appellant claims he should be entitled “to view” the records “to ensure that his name is not on any of the legal mail logs between the requested dates.” Such inspection by the Appellant, however, would amount to an end run around the provisions of KRS 197.025(2).

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Distributed to:

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