



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-158

April 9, 2026

In re: Eric Hermansen/Eastern Kentucky Correctional Complex

**Summary:** The Office cannot find that the Eastern Kentucky 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***

By letter dated February 19, 2026, inmate Eric Hermansen (“Appellant”) submitted a request to the Complex seeking the January 20, 2026, letter he sent to the Complex’s warden and any emails “related to the requested inquiry.” On March 10, claiming he had received no response 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 request to the Complex on February 19, and more than five business days later, he had yet to receive a response. On appeal, the Complex stated it received the Appellant’s request on March 2 and mailed him a timely response on March 5, providing him with all responsive records.<sup>1</sup>

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. *See, e.g., 23-ORD-276* (factual dispute as

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<sup>1</sup> Specifically, the Complex states it provided a “Records Request form B-010-1-CRCC” for the Appellant to fill out and return, but that the Appellant declined and informed the Complex that he would file an appeal.

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 or when the Appellant received the Complex's response to his February 19 request.

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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