



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-189

May 1, 2026

In re: Leslie Haun/Little Sandy Correctional Complex

Summary: The Office cannot resolve the factual dispute regarding whether records provided by the Little Sandy Correctional Complex (“the Complex”) are, in fact, responsive to the Appellant’s request.

Open Records Decision

On March 5, 2026, inmate Leslie Haun (“Appellant”) submitted a request to the Complex seeking (1) emails sent to or from a named Complex employee that “pertain” to him and to grievances submitted to three named individuals between January 1 and March 4, 2026, and (2) any “requests’ for time extensions” related to two specified grievances. In response, the Complex stated that it possesses one email that is responsive to the request and possesses no records regarding time extension requests. The Complex also provided four pages of grievances it determined were responsive to the request. This appeal followed.

The Appellant complains that none of the records provided by the Complex were responsive to his request. Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action, short of denial of inspection, if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection.” A public agency may subvert the intent of the Act by “commingling nonresponsive records with responsive records so as to create unnecessary impediments to effective review.” *See, e.g.*, 07-ORD-105; 08-ORD-032; 17-ORD-272; 21-ORD-234. For its part, the Complex explains that the grievances it provided were attachments to the requested email, and therefore responsive to the Appellant’s request.

Ultimately, the parties disagree regarding whether the produced records were, in fact, responsive to the request. The Office cannot resolve factual disputes between a requester and a public agency about the content of the records produced. *See, e.g.*,

26-ORD-017; 22-ORD-246; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Thus, the Office cannot resolve the parties' factual dispute or find that the Complex violated the Act.¹

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:

Leslie Haun #205731, Appellant
Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet
Charles Bates, Staff Attorney III, Justice and Public Safety Cabinet
Sara Talarigo, Paralegal, Justice and Public Safety Cabinet
Ann Smith, Executive Staff Advisor, Justice

¹ The Appellant also alleges the Complex violated the Act by planning to deny a different request he also submitted on March 5, 2026. According to the Appellant, another inmate informed him that Complex staff did not intend to provide him with the requested records. However, the Appellant has only provided the Office with a copy of his request and has neither provided the Office with the Complex's response or stated that the Complex did not respond to his request. As such, the Appellant has failed to invoke the jurisdiction of the Office regarding this request. *See* KRS 61.880(2)(a).