



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-203

May 11, 2026

In re: Margaret Aguilar/Kentucky Department of Corrections

**Summary:** The Office cannot find that the Kentucky Department of Corrections (“the Department”) violated the Open Records Act (“the Act”) by failing to issue a timely response upon receipt of a request because the Office is unable to resolve the related factual dispute regarding delivery and receipt of the request.

***Open Records Decision***

On January 21, 2026, Margaret Aguilar (“the Appellant”) submitted a request to “DOCOR@ky.gov” asking for a “complete copy of my training records from my employment with the [Department], Division of Probation and Parole[, including but not limited to] academy training, in-service training, certifications, firearms qualifications, online modules, CPR or similar training, on-the-job training, and any other documented training completed during my employment.” In addition, the Appellant requested “any records, memoranda, policy documents, or employment materials which verify that a one-year probationary period was required for the position of Probation & Parole Officer during my period of employment[,]” approximately March 2013 to October 2015. On February 9, 2026, the Appellant sent a follow-up inquiry to DOCOR@ky.gov, stating that she had not received “an acknowledgement or response” and requesting that the Department “advise whether my request was received, whether additional information is needed from me, and when I can expect the records or a formal determination.” Having received no response to either of her emails, the Appellant initiated this appeal on April 12, 2026, acknowledging that she submitted her January 21 request to DOCOR@ky.gov but arguing that “DOCOR has failed to issue a determination within the statutory five business days, and has not provided an explanation, extension notice, or records,” which constitutes a denial of the request.

Under KRS 61.880(1), upon receiving a request for public records 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.”

On appeal, the Department explains the Appellant “did not send her request to a valid email address” and, consequently, the Department did not receive it or the Appellant’s February 9 follow-up email.<sup>1</sup> In support of its position, the Department includes an email dated April 14, 2026, reflecting that a test email sent to DOCOR@ky.gov was returned as being undeliverable and that “DOCOR wasn’t found at ky.gov.” And so, it appears the Appellant did not send her January 21 request or her follow-up email to the Department’s designated email address for open records requests.

There is thus a factual dispute between the parties regarding whether the Department ever received the Appellant’s request. 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, given the Appellant’s use of an email address other than the Department’s designated email address for open records requests, the Office cannot resolve the factual dispute between the parties regarding whether the Department received the Appellant’s January 21 request prior to receiving the notice of this appeal. Accordingly, the Office cannot find the Department violated the Act. *See* 26-ORD-100.

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

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<sup>1</sup> The Department further states that correctionsopenrecords@ky.gov is the designated email address where it accepts open records requests and that this email address can be found on its website.

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Distributed to:

Margaret Aguilar, Appellant

Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet

Charles B. Bates, Staff Attorney III, Justice and Public Safety Cabinet

Sara Talarigo, Paralegal, Justice and Public Safety Cabinet

Ann Smith, Executive Staff Advisor, Justice and Public Safety Cabinet