



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-221

May 18, 2026

In re: Rodney Carter/Grayson County Sheriff's Office

Summary: The Grayson County Sheriff's Office ("the Sheriff's Office") violated the Open Records Act ("the Act") when it failed to respond to a request under the Act.

Open Records Decision

On March 5, 2026, Rodney Carter ("Appellant") submitted a records request for "[r]ecords of the Sheriff or deputies that have been [at] a defendant's arraignment to try and testify against the defendant." On April 13, 2026, having received no response from the Sheriff's Office, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for 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." Here, on March 5, the Appellant submitted a request to the Sheriff's Office, and as of April 13, he had yet to receive a response. On appeal, the Sheriff's Office does not dispute the Appellant's claim or otherwise assert it timely responded to the Appellant's request. As a result, the Sheriff's Office violated the Act.¹

¹ On appeal, the Sheriff's Office states it "received a letter from [the Appellant] requesting documentation on how many times [it has] been asked to testify at an arraignment" and that it does "not keep documentation of that information." The Sheriff's Office further states the Appellant "can subpoena [it] to testify to whatever information he is requesting." An agency "cannot afford a requester access to a record that it does not have or that does not exist, 99-ORD-98, and the agency discharges its duty under the Open Records Act by affirmatively so stating." 16-ORD-246 (citing 99-ORD-150). Nor is a public agency "obligated to compile a list or create a record to satisfy an open records request." OAG 76-375.

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Rodney Carter
Jeremy Logsdon
Norman Chaffins