



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-282

June 18, 2026

In re: Kelvin Bell/Green River Correctional Complex

Summary: The Office is unable to find that the Green River 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

On April 4, 2026, inmate Kelvin Bell (“Appellant”) mailed a request to the Complex for “a copy of Incoming Legal Mail” dated between November 1 and December 1, 2024. On April 24, 2026, the request was returned to the Appellant. This appeal followed.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant the request or deny the request and explain why. KRS 61.880(1). Here, the Appellant claims he submitted a request to the Complex on April 4, 2026, but it did not respond to it. As proof, he provides a photocopy of an envelope addressed to the Complex with a postage-paid stamp dated April 6, 2026, and also a photocopy of the same envelope stamped “return to sender” and bearing a postmark of April 8, 2026. On appeal, the Complex states it did not respond to the Appellant’s request because it did not receive it.¹ Thus, a factual dispute exists between the parties.

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. *See, e.g.,* 24-ORD-184 (declining to resolve factual dispute as to whether an

¹ Specifically, the Complex asserts that the United States Post Office returned the letter containing the Appellant’s request to him and that the Complex never received it.

agency received a request). Accordingly, the Office cannot find the Complex violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Complex received the Appellant's April 4, 2026, 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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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