



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-296

July 6, 2026

In re: Elizabeth Harrison/Kentucky Department of Public Advocacy

Summary: The Office is unable to find that the Department of Public Advocacy (“the Department”) violated the Open Records Act (“the Act”) because the Office is unable to resolve the factual dispute between the parties.

Open Records Decision

On April 1, 2026, Elizabeth Harrison (“Appellant”) submitted a records request to the Department for her “entire case file” and other related documents. On April 20, 2026, the Appellant submitted a follow-up to the Department asking why she had not received a response to her request. On May 22, 2026, having received no response from the Department, 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 she submitted her request to the Department on April 1, 2026, and that, as of May 22, 2026, she had yet to receive a response. On appeal, the Department states it did not respond to the Appellant’s April 1, 2026, request or April 20, 2026, follow-up because it “never received the requests.”¹

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

¹ The Department explains that the Appellant submitted her request and inquiry to her attorney, not to the Department. The Department further explains that her attorney was a contract attorney not employed by the Department due to a conflict of interest and that the Appellant’s case file is maintained by the contract attorney, not by the Department.

request. *See, e.g.*, 24-ORD-184 (declining to resolve factual dispute as to whether an agency received a request). Similarly, here, the Office cannot find that the Department violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Department received the Appellant's 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

#459

Distributed to:

Elizabeth Harrison
Damon Preston
Melanie Lowe
Samuel Cox
Cheyla Bush