



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-297

July 6, 2026

In re: Lawrence Jones/Kentucky River District Health Department

Summary: The Office cannot find that the Kentucky River District Health Department (“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

Lawrence Jones (“Appellant”) claims that on May 27, 2026, he submitted a request for records to the Department. On June 4, 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 he submitted his request to the Department on May 27, 2026, and that, as of June 4, he had yet to receive a response. On appeal, the Department states that it did not respond to the Appellant’s May 27, 2026, request because it was “unaware that an Open Records Request had been made” until it received the notice of appeal issued by the Office.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 request. *See, e.g.*, 24-ORD-184 (declining to resolve factual dispute as to whether an agency received a request). Likewise, here, the Office cannot find that the

¹ The Department states that after a search of its files, it does not possess any records responsive to the Appellant’s request. Once a public agency states affirmatively that a record does not exist, the burden shifts to the requester to make a *prima facie* case that the requested record does or should exist. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005).

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

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Distributed to:

Lawrence Jones
Anthony Lockard
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