



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-305

July 14, 2026

In re: John Steele/Kenton County Sheriff's Office

Summary: The Office is unable to find that the Kenton County Sheriff's Office (the "Sheriff's Office") violated the Open Records Act ("the Act") because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On June 3, 2026, John Steele ("Appellant") submitted a request to the Sheriff's Office for seeking 20 categories of law enforcement records related to a particular individual. The Appellant also sought 11 categories of law enforcement records related to phone calls from a particular phone number to the Sheriff's Office. Finally, the Appellant also requested records related to three individuals living at a specified address. On June 12, 2026, having not received any response from the Sheriff's Office, the Appellant initiated this appeal.

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." KRS 61.880(1). Here, the Sheriff's Office did not respond to the Appellant's request within five business days. However, on appeal, the Sheriff's Office explains it did not respond to the Appellant's request because it did not receive the request until it received notice of this appeal.

Thus, a factual dispute exists between the parties as to whether the Sheriff's Office received the Appellant's request for records. The Office has previously 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). Accordingly, the Office cannot find the Sheriff's Office violated the Act because the Office cannot

resolve the factual dispute between the parties as to whether the Sheriff's Office received the Appellant's request.¹

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

John Steel, Appellant
Jude Hehman, Kenton County Sheriff
Jerome Knochelmann, Kenton County Sheriff's Office, Records Custodian
Stacy Tapke, Kenton County Attorney

¹ On appeal, the Sheriff's Office explains that it does not possess any records responsive to the Appellant's request, but it identified the public agencies that may possess those records. *See* KRS 61.872(4) ("If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.").