



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-306

July 14, 2026

In re: Brian Rawls/Larue County E-911 Service

Summary: The Larue County E-911 Service (“the Agency”) did not violate the Open Records Act (“the Act”) when it provided all responsive records in its possession.

Open Records Decision

Brian Rawls (“Appellant”) sent a request to the Agency requesting an audio recording, radio recording, radio traffic, computer aided dispatch (“CAD”) event report, dispatch audio, incident number audit, a seven-month continuity record, and a master name index (“MNI”) related to a specific incident and a secondary incident involving him.¹ This appeal followed.

Once a public agency states affirmatively that it does not possess any existing, responsive records, the burden shifts to the requester to make a *prima facie* case that the requested records are in the possession, custody, or control of the agency. *See Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester makes a *prima facie* case that the records do or should exist, the agency must provide “a written explanation for their nonexistence.” *Eplion v. Burchett*, 354 S.W.3d 598, 603 (Ky. App. 2011) (quoting 10-ORD-078). Further, upon the requester

¹ Specifically, the Appellant requested: (1) “The complete 911 call placed from the Dollar General (3288 Lincoln Farm Road) by an employee’s cell phone”; (2) “All audio between dispatch and responding units (including [a specific officer]) for this call”; (3) “The full digital log and any incident numbers assigned to this event”; (4) “All radio traffic”; (5) “911 calls related to the arrest of [the Appellant]” on a specific date; (6) “Documentation of all incident numbers generated for [the Appellant]” on a specific date “including a specific audit of any numbers that were marked as ‘voided,’ ‘recycled,’ or ‘overwritten’”; (7) “The 7-Month Continuity Record”; and (8) “A printout or digital list showing every incident or call for service associated with the [the Appellant’s name] between September 30, 2025, and April 18, 2026.” The Appellant noted in his request that it was for the purpose of showing “the gap in reported records vs. actual law enforcement contacts.”

making a *prima facie* case, “the agency may also be called upon to prove that its search was adequate.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 848 n.3 (Ky. 2013) (citing *Bowling*, 172 S.W.3d at 341).

A requester’s bare assertion that a public agency must or should possess the requested records is not adequate to make a *prima facie* case that the agency does, in fact, possess the records. *See, e.g.*, 22-ORD-040. Rather, to make a *prima facie* case that the agency possesses or should possess the requested records, the requester must provide a statute, regulation, or factual support for that contention. *See, e.g.*, 26-ORD-168; 21-ORD-177; 11-ORD-074.

Here, the Agency initially and on appeal states that it “provid[ed] all responsive records” that it possesses. In response, the Appellant simply asserts that the Agency is “[w]ithholding complete records.” As proof, the Appellant provides numerous emails and photos.² However, the Appellant does not explain how any of the emails or photos he provides relate to the records request that is the subject of this appeal or how they prove the Agency possesses additional records. Thus, the Appellant did not make a *prima facie* case that the Agency possesses any records that it did not already provide. As a result, the Office cannot find that the Agency violated the Act when it provided the Appellant with all responsive records it possesses.

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.

² Specifically, the Appellant provides twenty attachments, including eleven photographs. The eleven photos consist of: five screenshots from a website called “Crime Radar”; one picture of a prescription medication bottle; one mugshot of an individual whose middle name is “Patrick” and charged with disorderly conduct, 2nd degree; one picture of a sheet of paper entitled “Formal Legal Notice Litigation Hold & Evidence Preservation”; and three screenshots of “Jail Docket Pretrial.” The remaining nine attachments are of various email chains between the Appellant, the Agency, and other individuals.

Russell Coleman
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/s/ Zachary M. Zimmerer
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Distributed to:

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