COMMONWEALTH OF KENTUCKY
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26-ORD-474

October 22, 2026

In re: James Harrison/Estill County Animal Control

Summary: The Office is unable to find that Estill County Animal Control ("the Agency") violated the Open Records Act ("the Act") because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On August 27, 2026, inmate James Harrison ("the Appellant") submitted a request to the Agency seeking copies of its policies and procedures and records relating to a particular employee. On September 4, 2026, having received no response from the Agency, the Appellant initiated this appeal.

Under KRS 61.880(1), 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" (emphasis added). On appeal, the Agency explains that it did not respond to the Appellant's request because it never received it.

The Office has regularly found it is unable to resolve factual disputes between the parties to an appeal under KRS 61.880(2)(a), including disputes about whether an agency received a request. *See, e.g.,* 24-ORD-184 (declining to resolve a factual dispute as to whether an agency received a request). Similarly, here, the Office cannot find the Agency violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Agency 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:

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