



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**22-ORD-243**

November 7, 2022

In re: Robin Vessels/City of LaGrange

**Summary:** The City of LaGrange (the “City”) violated the Open Records Act (“the Act”) when it failed to respond to a request within five business days.

***Open Records Decision***

On June 7, 2022, Robin Vessels (“Appellant”) submitted a request to the City that contained three subparts. First, she requested a copy of an exhibit incorporated by reference in a specific ordinance. Second, she requested copies of all ordinances enacted between 2013 and 2022. Third, she requested the “annual budgets” for the “Compensation Tax Fund” from 2013 to 2022. On October 13, having received no response from the City, 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 City admits it did not timely respond to the Appellant’s request because it mistakenly believed it had already responded and provided responsive records.<sup>1</sup> Accordingly, the City violated the Act when it failed to respond to a request within five business days.<sup>2</sup>

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<sup>1</sup> The Appellant had previously sent a request for the ordinance, which the City granted and the Appellant has not appealed. This time, however, the Appellant requested an exhibit that had been incorporated into the ordinance by reference.

<sup>2</sup> The Appellant also claims the City is violating the Act because its open records request form states there is a 25 cent per page copying fee. However, the Office declines to adjudicate this issue because it is not ripe for review. The Office will not consider whether a copying fee is excessive unless an agency

A party aggrieved by this decision may appeal it by initiating 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](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
**Attorney General**

s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Robin Vessels  
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Beach Craigmyle

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actually charges the fee. *See, e.g.*, 15-ORD-222. Here, the City has provided some of the requested records at no cost to the Appellant. It does not appear from this record, however, that the City has provided any records responsive to parts two and three of the Appellant's request. The City must provide these records, or cite an exemption for why the records cannot be inspected. Moreover, the City may only charge a copying rate that accurately reflects the actual cost of reproduction, KRS 61.874(3), which this Office has routinely found is 10 cents per page, *see, e.g.*, 22-ORD-150.