



COMMONWEALTH OF KENTUCKY  
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**23-ORD-007**

January 18, 2023

In re: Lawrence Trageser/ Louisville Metro Government

**Summary:** Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it did not respond to a request to inspect records.

***Open Records Decision***

On December 3, 2022, Lawrence Trageser (“Appellant”), submitted a request to Metro to inspect a specific employee’s “personnel file.” Having received no response to his request by December 18, 2022, 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.” Here, the Appellant claims to have submitted a request on December 3, but has never received a response. Metro carries the burden of justifying its actions, KRS 61.880(2)(c), but has not disputed the Appellant’s claim or otherwise explained why it failed to respond to the request within five business days.<sup>1</sup> Thus, Metro violated the Act when it failed to respond to the Appellant’s request within five business days.

A party aggrieved by this decision may appeal it by initiating 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

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<sup>1</sup> In response to the notice of this appeal, Metro stated it would provide responsive records to the Appellant no later than January 13, 2023. However, Metro has not defended its failure to respond to the request timely.

action or in any subsequent proceedings. The Attorney General will accept notice of the complaint e-mailed to OAGAppeals@ky.gov.

**Daniel Cameron**  
Attorney General

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

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Distributed to:

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