



COMMONWEALTH OF KENTUCKY
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23-ORD-138

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In re: Ashley Gruner/Louisville Metro Government

Summary: The Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it failed to issue responses within five business days of receiving requests for records.

Open Records Decision

On May 11, 2023, Ashley Gruner (“Appellant”) submitted two requests to Metro for various records. Her first request was for “a copy of the compensation study that was conducted for all of Metro . . . and recently completed.” Her second request contained 4 subparts related to a specific employment position in Metro.¹ On May 11, 2023, the Appellant received what appears to be an automated response stating her request was received. On May 20, 2023, having received no further response to her first request and two subparts of her second request, 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 submitted her requests to Metro on May 11, 2023, which were received by

¹ First, she requested a “job description for the position of LMPD Property Room Supervisor as it . . . was posted” in 2009 or 2010.” Second, she requested the job description for the same position as posted in 2022. Third, she requested the “number of hours and amount that was paid to” an identified employee employed in that position for overtime. Fourth, she requested the “base pay” for the same employee while she was in that position.

Metro the same day. On appeal, Metro admits it did not issue a timely response to the Appellant's requests because the requests were overlooked.² Thus, Metro violated the Act when it failed to respond to the Appellant's requests within five business days of receiving the requests.

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.

Daniel Cameron
Attorney General

s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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² On appeal, Metro now denies the Appellant's first request because the study is not yet completed, is in "preliminary draft form," and therefore, is "being withheld in its entirety pursuant to KRS 61.878(1)(i) and (j)." Metro invited the Appellant to re-submit her request once the study is completed. Metro also states it has provided all records responsive to the Appellant's second request. The Appellant only challenged Metro's failure to respond to both requests.