



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

23-ORD-253

September 19, 2023

In re: Bill Hollander/Louisville Metro Government

Summary: The 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 July 24, 2023, Bill Hollander (“Appellant”) submitted a request to Metro for all records, including “emails, text messages, memos, [and] financial records of any sort discussing or relating to encampment clearings within the boundaries of Louisville Metro from January 2, 2023 to” the present.¹ Having received no response by August 21, 2023, the Appellant initiated this appeal.²

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.” On appeal, Metro admits it failed to respond to the request. Accordingly, Metro violated the Act when it failed to issue a timely response within five business days.

¹ The Appellant further clarified that his request sought “communications to, from and in the possession of all representatives of the Office of the Mayor, LMPD[,] and the Office of Resilience and Community Services” and “documents regarding requesting and scheduling encampment clearings” and “all financial records showing the costs, internal or otherwise, of the clearings.”

² After receiving the appeal, Metro denied the request as unreasonably burdensome under KRS 61.872(6). In response, the Appellant limited his appeal to Metro’s untimely response.

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

#368

Distributed to:

Bill Hollander
Alice Lyon
Annale Taylor
Natalie S. Johnson
Nicole Pang