



COMMONWEALTH OF KENTUCKY
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23-ORD-291

November 1, 2023

In re: Kenny Goben/Louisville Metro Police Department

Summary: The Office cannot find that the Louisville Metro Police Department (“the Department”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties as to whether the Department received the request.

Open Records Decision

Kenny Goben (“Appellant”) claims that, on September 15, 2023, he mailed a request to the Department for records.¹ On October 1, 2023, having received no response from the Department, 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 he submitted a request to the Department on September 15, 2023, but it did not respond to his request. In contrast, on appeal, the Department states it did not respond to the Appellant’s request because it never received it.² The Office has previously found it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request. *See, e.g., 22-ORD-100;*

¹ The Appellant requested the “names of all LMPD Officers that were convicted in court for using ‘Fake or Forged’ search warrants from 1990-2015.” The Appellant further specified that the Department’s response to his request should include “a copy of the indictment and circuit case number for each officer convicted.”

² The Appellant mailed his request to a specific officer, but he did not provide the mailing address to where he mailed it. The Department states the officer to whom the Appellant addressed his request “retired in July of 2017.”

22-ORD-051; 21-ORD-163. Accordingly, the Office cannot resolve the factual dispute between the parties as to whether the Department received the Appellant's request, and it therefore cannot find the Department violated the Act.

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
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s/ Matthew Ray
Matthew Ray
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Distributed to:

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