



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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24-ORD-015

January 22, 2024

In re: Evan Doyle/Louisville Metro Government

Summary: Louisville Metro Government (“Metro”) subverted the intent of the Open Records Act (“the Act”) within the meaning of KRS 61.880(4), when it delayed access to records for nearly two months without proper justification.

Open Records Decision

On November 14, 2023, Evan Doyle¹ (“Appellant”) submitted a request to Metro for records related to a specific individual, an estate, and a specific property. The request was received by Metro on the same day through its online portal. On December 19, 2023, having received no response from Metro, 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.”² Here, Metro admits it received the request from the Appellant on November 14, 2023, but

¹ The Appellant’s full name is Michael Evan Doyle, but he has signed all of his communications with the name “Evan Doyle.” On appeal, Metro confuses his requests with another Mike Doyle, the appellant in 23-ORD-333, 23-ORD-334, 24-ORD-012, and 24-ORD-016. But the requester in those decisions signed his communications with the name “Mike Doyle” and uses a different email address than the Appellant.

² A public agency may also delay access to responsive records if they are “in active use, storage, or not otherwise available.” KRS 61.872(5). A public agency that invokes KRS 61.872(5) to delay access to responsive records must also notify the requester of the earliest date on which the records will be available and provide a detailed explanation for the cause of the delay. At no point did Metro attempt to invoke KRS 61.872(5) to delay the Appellant’s access to the records it eventually provided. Rather, on appeal, Metro states only that the request “was assigned to multiple departments” when it was received.

did not respond to it within five business days. Therefore, Metro subverted the intent of the Act within the meaning of KRS 61.880(4).³

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.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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³ Metro states it has now provided the Appellant with all records responsive to his request and that the appeal is moot. However, “[i]f a person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1)] . . . the person may complain in writing to the Attorney General, and the complaint shall be subject to the same adjudicatory process as if the record had been denied.” KRS 61.880(4). Here, the Appellant brought this appeal claiming that Metro’s untimely response violated the Act, which the Office construes as a claim of subversion under KRS 61.880(4). As such, the appeal is not moot with respect to Metro’s unreasonable delay in providing the requested records. However, the Appellant does not dispute that Metro has now provided all responsive records.