



COMMONWEALTH OF KENTUCKY
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24-ORD-084

March 22, 2024

In re: Christopher Otts/Louisville Metro Human Relations Commission

Summary: The Louisville Metro Human Relations Commission (“Commission”) did not violate the Open Records Act (“the Act”) when it withheld complaints that were exempt under KRS 344.250(6).

Open Records Decision

Christopher Otts (“Appellant”) submitted a request to the Commission seeking copies of “the complaint” and “the conciliation agreement” in twelve housing discrimination cases handled by the Commission. The Commissioner denied the request for both categories of records pursuant to KRS 344.250(6) and KRS 61.878(1)(l). This appeal followed.¹

KRS 344.250(6), which is incorporated into the Act by KRS 61.878(1)(l), states that “[i]t is unlawful for a commissioner or employee of the commission to make public with respect to a particular person without his consent information obtained by the commission pursuant to its authority under this section except as reasonably necessary to the conduct of a proceeding under this chapter.”

The Office has previously held that, “[i]f the proceeding . . . results in a dismissal of the complaint or the entering of a conciliation agreement, then only the order of dismissal or the terms of the conciliation agreement are subject to public inspection.” OAG 85-5. But “[i]f the proceeding has progressed to the point of a hearing . . . the complaint which would normally be introduced at the hearing . . . would . . . be subject to public inspection under the [Act].” OAG 85-5. To the extent any of the cases identified by the Appellant “progressed to the point of a hearing,” the

¹ After the Appellant initiated this appeal, the Commission determined it should have produced the requested conciliation agreements and has since provided the Appellant with those records. As such, any dispute regarding that portion of the Appellant’s request is now moot. See 40 KAR 1:030 § 6.

Commission's denial of the complaints filed in those cases would have violated the Act. However, the Appellant sought the complaint *and* conciliation agreement for each case. Therefore, it appears that none of the cases "progressed to the point of a hearing." Accordingly, the Commission did not violate the Act when it denied the Appellant's request for complaints in housing discrimination cases that were resolved with a conciliation agreement.

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

#146

Distributed to:

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