



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-146

June 18, 2024

In re: Makeda Charles/City of Louisville

Summary: The City of Louisville (the “City”) violated the Open Records Act (“the Act”) when it failed to respond to a request made under the Act.

Open Records Decision

On April 19, 2024, Makeda Charles¹ (“Appellant”) submitted a request to the City containing four subparts for records related to her personal experience with the Louisville Metro Department of Corrections. On May 18, 2024, the Appellant claimed she had not received a response from the City and 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, on April 19, 2024, the Appellant submitted a request to the City through email and claims she had not received a response to her request as of May 18, 2024. On appeal, the City admits it “did not respond to [the Appellant’s] email” due to the “volume of

¹ The Office takes notice of its decision in 24-ORD-135 involving another appeal initiated by the Appellant. Based on the record developed in that appeal, the Office found that the Louisville Regional Airport Authority did not violate the Act when it denied a request for records because the Appellant is not a resident of the Commonwealth. The Act only gives a “resident of the Commonwealth” the statutory right to demand access to public records. KRS 61.872(2)(a). It does not, however, prohibit nonresidents from obtaining public records. Rather, “[t]he official custodian *may* require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” *Id.* (emphasis added). Here, the City has not challenged the Appellant’s status as a “resident of the Commonwealth.” Thus, that issue is not properly before the Office and its decision in 24-ORD-135 is not dispositive here.

requests [it] receive[s].”² Thus, the City violated the Act when it did not respond to the Appellant’s request for records.

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:

Makeda Charles
Alice Lyon
Nicole Pang
Natalie S. Johnson
Annale Taylor
Craig Greenberg

² The City states that between April 2, 2024, and May 13, 2024, it received “multiple requests” from the Appellant. The City also states that the Appellant “was provided with a complete copy of her inmate file with the exception of medical records, for which she has not provided a release.” Regarding the video footage the Appellant requested, the City asserts it provided all the video footage it possesses, that some of the requested footage is in the possession of other agencies, and that some requested footage never existed. In response, the Appellant asserts that the City is “corrupt” and that “[e]lectronic files are never destroyed” and can always be “dug up” even if “deleted.” However, the only issue raised in the Appellant’s original appeal was the City’s failure to respond to her request. The Office declines to consider the new issues raised on appeal. *See, e.g.*, 22-ORD-200 n.2; 22-ORD-170 n.2; 22-ORD-142 n.3; 21-ORD-177.

