



COMMONWEALTH OF KENTUCKY  
**OFFICE OF THE ATTORNEY GENERAL**

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**25-ORD-203**

July 30, 2025

In re: Louis Adamson/Louisville Metro Government

**Summary:** Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it failed to respond to a request for records within five business days and did not properly invoke KRS 61.872(5) to delay its disposition of two other requests. Metro subverted the intent of the Act, within the meaning of KRS 61.880(4), when it delayed access to requested records without proper justification. Under KRS 61.874(6), providing online access to public records is at the discretion of the public agency.

***Open Records Decision***

This appeal concerns three separate requests submitted to Metro by Louis Adamson (“the Appellant”). On June 4, 2025, the Appellant requested “all records related to the court referral process” for three property maintenance cases, which he identified by case number and address. In response, Metro cited KRS 61.872(5) and claimed the records were “not available because the department needs additional time to gather [the] request.” By way of explanation, Metro asserted the request “[r]equire[s] records from different units within the agency,” “is broad” in scope, and “[r]equires an email search,” and “[t]he records are difficult to locate and retrieve.” Metro stated the records would be available by July 2, 2025.

Also on June 4, 2025, the Appellant requested various records from Metro’s Department of Codes and Regulations, Property Maintenance Division, including different versions of a policy and procedure manual, transition-related documents, training and testing materials, templates, and enforcement statistics. In response, Metro again cited KRS 61.872(5) and stated the records would be available by July 2, 2025. Its justification for the delay was nearly identical to the language used in its response to the Appellant’s previous request, claiming the request “[r]equires records from different units within the agency” and “is broad” in scope, and “[t]he records are difficult to locate and retrieve.”

On June 17, 2025, the Appellant requested the Case Information Sheets for seven property maintenance and lead enforcement cases, which he identified by case number, address, and earliest date of the records requested.<sup>1</sup> Having received no response to this request by June 26, 2025, the Appellant initiated this appeal, complaining of excessive delay in fulfilling all three requests.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant or deny the request. KRS 61.880(1). Here, Metro did not respond to the Appellant's June 17, 2025, request within five business days. Thus, Metro violated the Act.

A public agency may delay access to responsive records beyond five business days if such records 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. Here, Metro asserted it would take four weeks to fulfill each of the Appellant's requests submitted on June 4, 2025, but it provided only a general explanation for its delay. For example, regarding the first request, Metro did not explain how a request for records pertaining to three specific cases was "broad in scope" or why that would justify a four-week delay. Regarding the second request, Metro did not explain how a request for records maintained only by the Property Maintenance Division could implicate records "from different units within the agency." A "detailed explanation" under KRS 61.872(5) should not consist of "boilerplate language that [is] in no way correlated to [the] particular request." 11-ORD-135. Moreover, the fact that a request "[r]equires an email search" does not, in itself, justify a delay of more than five days. Nor is merely stating "records are difficult to locate and retrieve" a detailed explanation of any problems associated with a particular request. *Cf.* 02-ORD-217 (finding an agency's claim that retrieving records "will be a very time-consuming task" was not a detailed explanation). Because Metro's responses to the Appellant's June 4, 2025, requests did not give a sufficiently detailed explanation of the cause for delay, Metro did not properly invoke KRS 61.872(5).

A requester who believes the agency's delay is unreasonable may seek the Attorney General's review by alleging the agency subverted the intent of the Act by "delay past the five (5) day period described in [KRS 61.880(1)]." KRS 61.880(4). In determining how much delay is reasonable, the Office has considered the number of records the requester has sought, the location of the records, and the content of the records. *See, e.g.,* 22-ORD-176; 01-ORD-140; OAG 92-117. Weighing these factors is a fact-intensive analysis. *See* 21-ORD-045. Ultimately, the agency bears the burden of proof to sustain its action. KRS 61.880(2)(c).

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<sup>1</sup> For one case, the Appellant requested Case Information Sheets dated after July 28, 2020. For the other six cases, he gave dates in 2025.

On appeal, Metro does not attempt to further justify its delay beyond the five-day period, merely claiming the appeal is moot because it has subsequently fulfilled the Appellant's requests. However, when a requester alleges unreasonable delay, a claim of subversion under KRS 61.880(4) is not rendered moot when the agency provides the records in an untimely manner. *See, e.g., 25-ORD-013 n.2; 24-ORD-015 n.3.* Thus, Metro has not met its burden of proof to sustain the reasonableness of its delay in providing access to records. Accordingly, the Office finds that Metro subverted the intent of the Act by delay past the five-day period described in KRS 61.880(1) with respect to the Appellant's three requests.<sup>2</sup>

The Appellant further requests the Office to order Metro to make Case Information Sheets available online "without the need for a formal Open Records request." Under KRS 61.874(6), "[o]nline access to public records in electronic form . . . may be provided and made available at the discretion of the public agency." There is no provision of the Act that requires a public agency to post records on a website. *See, e.g., 21-ORD-138.* Therefore, Metro did not violate the Act by not making records available online.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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<sup>2</sup> In addition to his three claims of excessive delay, the Appellant asks the Office to find that Metro engaged in "a broader pattern of non-compliance" with the Act, based on its conduct in responding to 10 previous requests in addition to the three requests at issue in this appeal. The Appellant does not purport to directly appeal Metro's disposition of those 10 requests, but merely offers them as evidence of this "pattern of non-compliance." Under KRS 61.880(2)(a), the Attorney General has authority to "issue [a] written decision stating whether the agency violated provisions of" the Act with respect to a particular request. The Act confers no additional authority to find a "pattern of non-compliance" or to take any action thereon, nor does it ascribe any legal significance to the existence of such a "pattern." Therefore, the Office declines the Appellant's invitation to find that Metro engaged in a "pattern of non-compliance."

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Distributed to:

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