



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-232

August 26, 2025

In re: Lori Davenport/City of Newport

Summary: The City of Newport (“the City”) violated the Open Records Act (“the Act”), when it did not grant or deny a request within five business days of receiving it.

Open Records Decision

On May 30, 2025, Lori Davenport (“Appellant”) submitted a request to the City for “the performance evaluations” of a specific individual and “any other documents pertaining to his performance.” That same day, the City confirmed receipt of the request and stated the Appellant would “receive a response soon.” On July 28, 2025, having received no further response from the City, the Appellant initiated this appeal.¹

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 submitted a request to the City on May 30, 2025, which the City acknowledged the same day. Although the City responded to the Appellant’s request within five business days, its response did not grant or deny the request and explain why.² Accordingly, the City violated the Act under KRS 61.880(1).

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

¹ The City also did not respond to the Office’s notice of appeal.

² The City never responded to the Office’s notice of appeal issued on July 29, 2025. On August 18, 2025, the Office inquired of the City whether it intended to respond to this appeal. But as of August 26, 2025, the Office had yet to receive any further response from the City related to this appeal.

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

#361

Distributed to:

Lori Davenport
Tiffany Meyers, Newport City Clerk