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25-ORD-237

August 29, 2025

In re: Louis Knupp/Oldham County Detention Center

Summary: The Oldham County Detention Center (“the Jail”) violated the Open Records Act (“the Act”) when it failed to grant or deny a request for records within five business days and did not properly invoke KRS 61.872(5) to extend its response time. The Jail subverted the intent of the Act, within the meaning of KRS 61.880(4), by delay past the five-day period described in KRS 61.880(1) and by excessive extensions of time.

Open Records Decision

On April 17, 2025, Louis Knupp (“the Appellant”) submitted a complex six-part request to the Jail for various categories of records related to the United States Department of Homeland Security and United States Immigration and Customs Enforcement. On April 23, 2025, the Jail issued an initial response, citing KRS 61.872 and stating it was “processing [the] requests” but “require[d] additional time beyond the five days provided by the [Act] to review and respond to” the Appellant’s requests. The Jail further stated, “We intend to respond on or before May 19, 2025.” Having received no further response by July 31, 2025, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency has five business days after receipt of a request in which to grant or deny inspection of records. Here, the Jail provided a timely acknowledgment of the request, but neither granted nor denied it at that time. The time period under KRS 61.880(1) may be extended if the records are “in active use, in storage or not otherwise available,” but the agency must give “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5). The Jail, however, did not claim any records were in active use, in storage, or not otherwise available, nor did it provide any explanation of the cause for further delay. Thus, the Jail did not properly invoke KRS 61.872(5) and violated the Act by failing to make a timely response to the Appellant’s request as required by KRS 61.880(1).

Under KRS 61.880(4), a person may complain to the Attorney General that “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) or] excessive extensions of time.” Here, the Jail gave May 19, 2025, as the date when it would respond to the Appellant’s request, but did not provide any records or otherwise respond prior to receiving notice of this appeal. On appeal, the Jail admits the Appellant’s request “was inadvertently overlooked, and no [r]esponse was sent.” A public agency subverts the intent of the Act by excessive extensions of time when it fails to meet a self-imposed deadline to make records available. *See, e.g.*, 23-ORD-079; 21-ORD-011. Therefore, the Jail subverted the intent of the Act, within the meaning of KRS 61.880(4), by delay past the five-day period described in KRS 61.880(1) and by excessive extensions of time.¹

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.

Russell Coleman
Attorney General

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

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Distributed to:

Mr. Louis Knupp
Carol Schureck Petitt, Esq.
David Berry Baxter, Esq.
Jeff Tindall, Jailer

¹ After this appeal was initiated, the Jail issued a denial of all parts of the request. Because this appeal was brought due to the Jail’s failure to timely grant or deny the request, the subsequent denial is not ripe for review. *See, e.g.*, 23-ORD-135 n.3.