



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

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

25-ORD-276

September 26, 2025

In re: Devin Buchholz/Department of Veterans' Affairs

Summary: The Office cannot find that the Department of Veterans' Affairs ("the Department") violated the Open Records Act ("the Act") because the Office cannot resolve the factual dispute between the parties concerning the issuance of a response.

Open Records Decision

On August 20, 2025, Devin Buchholz ("the Appellant") submitted a request to the Department seeking records relating to settlement agreements, Equal Employment Opportunity reports, and the Thomson–Hood Veterans' Center's handling of allegations of sexual misconduct. Claiming to have received no response to his request, the Appellant initiated this appeal on September 2, 2025.

Under KRS 61.880(1), a public agency must respond within five business days after receipt of a request for records. Here, the Appellant claims the agency failed to timely respond to his request. However, the Department states it issued a timely written response on August 27, 2025. Because the Office cannot adjudicate disputed issues of fact, such as when an agency issued a response, the Office cannot find that the Department's response in this case was untimely. *See, e.g.,* 24-ORD-040. Accordingly, the Office cannot find that the Department violated the Act.

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

#449

Distributed to:

Mr. Devin Buchholz
Leilani K. M. Martin, Esq.