



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-294

October 2, 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 the request.

Open Records Decision

On January 20, 2025, Louis Adamson (“the Appellant”) submitted an 18-part request seeking records related to code violations associated with five specific properties. On January 29, 2025, Metro invoked KRS 61.872(5), stating records would be available on or before February 7, 2025. Metro provided all responsive records on February 5, 2025. Seven months later, the Appellant initiated this appeal.

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 January 20, 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 seven business days to fulfill the Appellant’s request because the “[r]ecords search is extensive and taking extra time to pull all requested information.” 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. Because Metro’s responses to the Appellant’s January 20,

2025, request did not give a sufficiently detailed explanation of the cause for delay, Metro did not properly invoke KRS 61.872(5).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 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

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Distributed to:

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¹ Metro asserts that the appeal is moot because it provided all responsive records to the Appellant on January 29, 2025. The Appellant does not dispute that he received all responsive records. However, 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. Additionally, 40 KAR 1:030 § 6 provides that an appeal is moot when “the requested documents are made available to the complaining party *after* a complaint is made.” (emphasis added). Because the Appellant has brought a claim of subversion and because the documents were made available to the Appellant prior to his submission of the complaint, the Office cannot consider the present appeal to be moot even though the Appellant has received all responsive records.