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OFFICE OF THE ATTORNEY GENERAL

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25-ORD-297

October 3, 2025

In re: Louis Adamson/Louisville Metro Government

**Summary:** Louisville Metro Government (“Metro”) subverted the intent of the Open Records Act (“the Act”), within the meaning of KRS 61.880(4), when it delayed access to requested records without proper justification. The Act does not require a public agency to provide records earlier than five business days after receiving a request. Under KRS 61.874(6), providing online access to public records is at the discretion of the public agency.

***Open Records Decision***

On August 13, 2025, Louis Adamson (“the Appellant”) submitted a request to Metro for copies of the “most recent Case Information Sheets” for three “properties with Codes & Regulations enforcement cases,” “all inspection reports, photographs, and field notes since June 1, 2025 related to each property,” and “[a]ll email communications[, i]nternal memos or notes[, c]orrespondence with prosecutors or court officials[, and c]ase related correspondence or documentation to or from the court designees” concerning the three cases. In a timely response on August 20, 2025, Metro provided the Case Information Sheets but stated it needed additional time to provide the remainder of the records “because this request has over 2000 records (Emails) that has [sic] to be reviewed and redacted.” Metro indicated the records would be available “on or before close of business 02/18/2026.” This appeal followed.

On appeal, Metro explains that the “clerk who requested the time extension [had] misread the number of emails,” which was 200 instead of 2000, and had therefore miscalculated the time needed to process the request. Metro states all remaining records were reviewed and redacted in 16 business days and were provided to the Appellant on September 12, 2025. According to Metro, the only records withheld “consisted of automatically generated address lists of properties being

monitored and where no final action has been taken,” which Metro asserts are preliminary documents exempt from disclosure under KRS 61.878(1)(i).<sup>1</sup>

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). 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,” and the agency notifies the requester of the earliest date when records will be available and provides “a detailed explanation of the cause” for further delay. KRS 61.872(5). Here, Metro initially gave an incorrect date when the records would be available, due to a clerical error, but subsequently provided the records after a delay of 16 business days. Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action, short of denial of inspection, if the “person feels the intent of [the Act] is being subverted.” One way in which a public agency may subvert the intent of the Act is to delay access to records unreasonably. *See, e.g.*, 20-ORD-137. Under KRS 61.880(2)(c), the burden is on the public agency to justify its delay. *See, e.g.*, 21-ORD-045.

“In determining whether a delay is reasonable, this Office has previously considered the number of the records, the location of the records, and the content of the records.” *Id.* Here, Metro gives no more precise figure than “approximately 200.” Assuming an eight-hour business day, 16 days to review and redact 200 records would equate to 38.4 minutes per record. However, Metro has provided no information about the content or location of the records to explain why this review and redaction took that much time. In 21-ORD-045, the Office found an agency had not met its burden of proof when it claimed two full-time employees could only review emails at the rate of 300 per week due to a delay caused by the use of a virtual private network. Here, Metro has provided even less information to justify its delay of 16 days to process 200 records. Because Metro has not met its burden of proof, the Office finds that Metro subverted the intent of the Act, within the meaning of KRS 61.880(4), by unreasonable delay in producing records.

The Appellant raises several other issues on appeal. First, he claims Metro violated the Act by taking five business days to provide the Case Information Sheets instead of providing them at the “earliest possible time.” However, the Act does not contain a requirement that an agency provide records at the earliest possible time. Therefore, Metro did not violate the Act insofar as it provided records within the five business days provided by KRS 61.880(1).

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<sup>1</sup> Because Metro’s final response on September 12, 2025, is not part of the record, any redactions made by Metro in that response are not at issue in this appeal. *See* KRS 61.880(2)(a) (requiring submission of “a copy of the written response denying inspection” when seeking review of the denial by the Attorney General).

Second, the Appellant claims Metro has improperly withheld photographs, email attachments, and inspection comments and has improperly redacted “inspector phone numbers” from records. It is not entirely clear whether the Appellant is referring to the request at issue in this appeal or to some of his previous requests. With regard to this request, however, Metro asserts it has provided all responsive records except “automatically generated address lists of properties being monitored,” and specifically denies redacting any telephone numbers. The Office cannot resolve a factual dispute between the parties regarding what records were or were not provided. *See, e.g.*, 23-ORD-140 n.1; 19-ORD-083.

Third, the Appellant claims Metro has shown a “[p]attern of willful delay” in light of its treatment of this request and his numerous prior requests. 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. However, the Act confers no additional authority to find a “pattern of willful delay” or to take any action thereon, nor does it ascribe any legal significance to the existence of such a “pattern.” *See* 25-ORD-203 n.2. Therefore, the Office declines the Appellant’s invitation to find that Metro engaged in a “pattern of willful delay.”

Fourth, the Appellant claims there are discrepancies between Metro’s records and information appearing on its website. However, the Attorney General “is not an arbiter of the veracity of public records,” 09-ORD-144, and “[d]isclosure of public records under [the] Act does not constitute a guaranty of the accuracy of all information contained therein,” 97-ORD-183. Therefore, “questions relating to the verifiability, authenticity, or validity of records disclosed under the [Act] are not capable of resolution” under the Act. 04-ORD-216 n.1.

Finally, the Appellant objects that Metro has ceased to show “inspection comments previously visible” on its public web portal. 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.” However, there is no provision of the Act that requires a public agency to post records on a website. *See, e.g.*, 25-ORD-203; 21-ORD-138. Therefore, the Office cannot find that Metro violated the Act by not making certain information 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.

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/s/ James M. Herrick  
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