



COMMONWEALTH OF KENTUCKY
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25-ORD-311

October 15, 2025

In re: Lori Davenport/City of Ludlow

Summary: The City of Ludlow (“the City”) subverted the intent of the Open Records Act (“the Act”), within the meaning of KRS 61.880(4), when it required a request to be resubmitted using a specific form.

Open Records Decision

Lori Davenport (“Appellant”) submitted a request to the City for “the salary, incentive, extra pay and bonus information for [a specific person] from Jan 2014 to present.” The City denied the Appellant’s because it was “not . . . submitted on the proper form.” The City advised the Appellant that if she “would like to resubmit [her] request, please complete the attached form” and “remember to sign and date the form.” This appeal followed.

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.” Further, under KRS 61.872(2)(c), “[a] public agency shall not require the use of any particular form for the submission of an open records request.” The Office has also found that a public agency misdirects requesters, within the meaning of KRS 61.880(4), when the agency requires the use of a particular online form to submit requests under the Act. *See, e.g.*, 22-ORD-167.

On appeal, the City reiterates its position that the Act permits it to require the use of a particular form. Specifically, the City states that, although it “must accept open records requests tendered over email . . . [i]t is not within the practical ability of the City . . . to review each email received from the public for Open Records Requests, particularly when the City has published a free, easily accessible form in

which to specify the records that they have requested.” But, under KRS 61.872(2)(c), “[a] public agency shall not require the use of any particular form for the submission of an open records request.” The language of KRS 61.872(2)(c) is plain. Thus, the City subverted the Act, within the meaning of KRS 61.880(4), when it erroneously required the Appellant to use a particular form, contrary to KRS 61.872(2)(c).

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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