



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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25-ORD-325

October 16, 2025

In re: Kevin Black/Louisville Metro Office of the Inspector General

Summary: The Louisville Metro Office of the Inspector General (“OIG”) violated the Open Records Act (“the Act”) when it did not timely respond to a request for records.

Open Records Decision

On August 25, 2025, inmate Kevin Black (“Appellant”) submitted a request to OIG for responses it issued in prior appeals brought by the Appellant. On September 16, 2025, claiming to have received no response from OIG, the Appellant initiated this appeal.

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.” Here, the Appellant claims he mailed his request to OIG on August 25, 2025, and that it was received by OIG on August 27, 2025,¹ making September 4, 2025, the OIG’s deadline to respond. But the Appellant claims that, as of September 16, 2025, he had yet to receive a written response to his request.

On appeal, OIG asserts it responded to the Appellant’s request by providing all requested records. It provides a copy of its response, issued on September 9, 2025, which granted the Appellant’s request.² The OIG did not address the Appellant’s assertion that its deadline to respond had passed. Given the Appellant’s assertion,

¹ As proof, the Appellant explains he sent his request via certified mail and provided the Office with the tracking number for his request. The USPS tracking tool states that the request was delivered on August 27, 2025.

² That response lists the same U.S. Postal Service tracking number provided by the Appellant.

supported by the certified mail tracking data, that the OIG received his request on August 27, 2025, and the OIG's failure to claim otherwise, the Office concludes that was received by OIG on August 27, 2025, making September 4, 2025, its deadline to respond to the request. Because the OIG did not respond until September 9, 2025, its response was untimely and therefore violated the Act.

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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