



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-350

November 6, 2025

In re: Gage Cole/Leslie County School District

**Summary:** The Leslie County School District (“the District”) violated the Open Records Act (“the Act”), when it failed to timely respond to the Appellant’s request in writing.

### ***Open Records Decision***

On September 19, 2025, Gage Cole (“Appellant”) submitted a request to the District for records related to an allegation made against him on September 18, 2025. On October 10, 2025, the Appellant initiated this appeal, claiming he had not received a written response from the District.

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” (emphasis added). On appeal, the District states that, after receiving the Appellant’s request, it met with the Appellant and “informed [him] that there were no written or digital records responsive to his request.” However, the District does not claim that it ever responded to the Appellant’s request, *in writing*. The Act does not prohibit speaking with a requester about his or her request for records, but such a conversation does not relieve the agency’s obligation under KRS 61.880(1) to respond to the request *in writing*. Accordingly, the District violated the Act when it failed to timely respond to the Appellant’s request in writing.<sup>1</sup>

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<sup>1</sup> The Appellant also alleges the District violated the Act on October 7, 2025, when it did not provide all records responsive to his request. For its part, the District states that its October 7 communication was related to a different request, and that it did provide all records responsive to that request. To invoke the Office’s jurisdiction, an appellant must provide a copy of his or her original request and the agency’s response to that request. Here, the Appellant has not provided a copy of the request to which

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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
**Attorney General**

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Gage Cole  
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the October 7 response relates. Accordingly, the Office lacks jurisdiction to consider the merits of the District's October 7 response.