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25-ORD-370

November 21, 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. OIG also violated the Act when it issued a response that does not comply with KRS 61.880(1).

***Open Records Decision***

On September 15, 2025, inmate Kevin Black (“Appellant”) submitted a request to OIG for “any communication that [OIG] has sent to me containing contact information for the police merit board.” In response, on September 30, 2025, OIG stated that because “the Police Merit Board does not respond directly to our office, we are unable to send you any communications that may have occurred related to your appealing before the board.” OIG further stated that it was sending the Appellant “a copy of the internal communication that the [Chief] Examiner sent.” 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.” The Appellant alleges that OIG failed to timely respond to his request. On appeal, OIG does not contest that it failed to timely respond to the request. Accordingly, the Office can only find that OIG’s response was untimely and therefore violated the Act.

When a public agency receives a request to inspect records, that agency must decide within five business days “whether to comply with the request” and notify the requester “of its decision.” KRS 61.880(1). A public agency cannot simply ignore portions of a request. *See, e.g.*, 21-ORD-090. If the requested records exist and an

exemption applies that allows the agency to deny inspection, the agency must cite the exemption and explain how it applies. Conversely, if the records do not exist, then the agency must affirmatively state as much. *See Bowling v. Lexington-Fayette Urb. Cnty. Gov't*, 172 S.W.3d 333, 341 (Ky. 2005).

Here, the Appellant requested communications OIG had sent him containing contact information for the police merit board.<sup>1</sup> However, OIG's response to the request is not a model of clarity. OIG states that, because the police merit board does not respond to it, it cannot provide the Appellant with communications related to appeals to that body. But the Appellant requested communications *OIG* had sent *to him*. It is not apparent why the nonaction of a different agency would prevent OIG from producing a copy of its own communications to the Appellant. Moreover, OIG has not cited an exemption allowing a denial of a request on this basis. At bottom, KRS 61.880(1) requires an agency denial to state clearly that it is denying the request, and then cite and explain the exemption allowing denial. This OIG did not do. Accordingly, OIG violated the Act when it issued a response that did not comply with KRS 61.880(1).<sup>2</sup>

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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<sup>1</sup> The Office notes that, as part of his appeal, the Appellant has provided a June 25, 2025, letter OIG sent to him, which states, "We have provided to you the contact information for the [Police] Merit Board."

<sup>2</sup> On appeal, OIG declined to issue a substantive response. Instead, OIG stated only that the "complaint is a regurgitation of previous complaints already investigated by" the Office. However, the Office has not previously considered the Appellant's September 15 request or OIG's September 30 response.

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Distributed to:

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