



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-394

December 9, 2025

In re: Eric Lloyd Hermansen/Cabinet for Health and Family Services

Summary: The Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act within five business days of receipt.

Open Records Decision

On September 30, 2025, inmate Eric Lloyd Hermansen (“Appellant”) submitted a request to the Cabinet for a copy of his “application for benefits and/or change of address.”¹ On October 30, 2025, having received no response from the Cabinet, 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.” On September 30, 2025, the Appellant submitted his request to the Cabinet, and as of October 30, 2025, he had yet to receive a response.

On appeal, the Cabinet states it received the Appellant’s request “on October 23, 2025,” but that “it was never received by the Division of Administration and Financial Management of the Department for Community Based Services (‘DCBS’).”² Thus, the Cabinet violated the Act when it failed to respond to a request under the Act within five business days of receiving it.³

¹ The Appellant, in his request for appeal, states that he submitted his request on September 20th. However, the request he provided with his appeal request is dated September 30, 2025.

² DCBS is an agency within the Cabinet.

³ The Cabinet asks the Office to dismiss this appeal as moot because it eventually provided all responsive records. However, the Cabinet did not timely respond to the Appellant’s request. As a

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

#645

Distributed to:

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result, the appeal is not moot as to the issue of timeliness. *See, e.g.*, 24-ORD-163 n.1 (finding an appeal of the agency's failure to respond was not moot when the agency subsequently produced the records); 23-ORD-274 n.1 (finding an appeal was not rendered moot by the agency's subsequent production of responsive records).