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26-ORD-098

March 16, 2026

In re: Sam Aguiar/Louisville Metro Government

**Summary:** The Louisville Metro Government (“Metro”) did not violate the Open Records Act (“the Act”) by denying a request that did not comply with KRS 61.872(3)(b) by precisely describing the records.

***Open Records Decision***

On December 26, 2025, Sam Aguiar (“the Appellant”) submitted a request to Metro for copies of “[a]ll existing records sufficient to show [Metro’s] costs, payments, or financial obligations arising from the November 4, 2025 UPS Flight 2976 crash, for the period of November 4, 2025 through December 16, 2025.”<sup>1</sup> Metro denied the request on January 2, 2026, “as an unreasonable burden under KRS 61.872(6).” Metro stated the Appellant’s request “lists general types of expenses that might arise from an event, but on the whole, it is a request for an exhaustive search for all financial records arising from a catastrophic event.” In addition, Metro cited 05-ORD-014 and 99-ORD-14 for the proposition that a requester has a duty to describe records “with sufficient specificity to enable the agency from which the records are being sought to identify, locate, and retrieve the records.” This appeal followed.

On appeal, Metro explains that the Appellant failed to “precisely describe” the records he is requesting under KRS 61.872(3)(b). Therefore, Metro argues, his request imposes an unreasonable burden on it under KRS 61.872(6).

When a person requests copies of public records under the Act, “[t]he public agency shall mail copies of the public records to a person . . . after he or she precisely describes the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records in definite,

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<sup>1</sup> The Appellant specified that responsive records included “invoices, purchase orders, contracts/SOWs, payment vouchers, reimbursement requests, cost estimates, and cost tracking spreadsheets, relating to debris removal, environmental testing, cleanup/remediation, site security, traffic control, emergency response support, and victim assistance expenditures.”

specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted). This standard may not be met when a request does not “describe records by type, origin, county, or any identifier other than relation to a subject.” 20-ORD-017 (quoting 13-ORD-077); *see also* 23-ORD-066 (holding that a request for all “Cease and Desist orders” issued by the agency or any of its organizational units for a specified period, to merit and non-merit employees, did not precisely describe the records under KRS 61.872(3)(b) because a “cease and desist order” is not a generally recognized category of record the agency creates or maintains). In particular, a request for any and all records “related to a broad and ill-defined topic” generally fails to precisely describe the records. 22-ORD-182; *see also* 21-ORD-034 (finding a request for any and all records relating to “change of duties,” “freedom of speech,” or “usage of signs” did not precisely describe the records); *but see Univ. of Ky. v. Kernel Press, Inc.*, 620 S.W.3d 43, 48 n.2 (Ky. 2021) (holding a request was proper when it sought “all records detailing [the] resignation” of a named employee). A request that does not precisely describe the records “places an unreasonable burden on the agency to produce often incalculable numbers of widely dispersed and ill-defined public records.” 99-ORD-14.

The requirement that a request for copies of records contain a precise description of the records sought, KRS 61.872(3)(b), applies regardless of whether copies are sought in hard copy or electronic format because “the difficulties associated with identifying and locating all responsive documents . . . are the same when, as in this case, the records are not searchable based on the criteria provided.” 23-ORD-066; 16-ORD-242.

Here, the Appellant requested “[a]ll existing records sufficient to show” *all* the costs, payments, or financial obligations that Metro incurred following the November 4, 2025, UPS Flight 2976 crash, for the period of November 4 to December 16, 2025, including seven general categories of financial records “relating to” seven different subcategories. On appeal, Metro explains that that the Appellant’s request, as written, does not meaningfully identify specific records.

First, although the Appellant identified a single event—the UPS Flight 2976 crash—Metro’s response “up to the time of the request encompassed a multitude of agencies and entities, including non-Metro entities, over eight weeks.” Its response included “firefighting, public safety, medical services, financial management, infrastructure, coordination with federal agencies, and providing varied social services [and] [t]he crash resulted in the deaths of people on the ground and the crew, massive fire, damage to property and infrastructure, and varied environmental impacts.” Metro identified a minimum of 11 different Metro agencies that likely incurred costs from the crash and explained that the “financial obligations incurred by the whole of Metro Government after the kind of widespread destruction created by Flight 2976 cover nearly every aspect of public service.”

Moreover, Metro argues that the Appellant's list of general categories provided only "creates a broad floor for the scope of the search." Metro explains that the Appellant's "categories" cover everything a government would do over the course of dealing with a catastrophe, from immediate and undefined 'emergency response support' to the catch-all of 'cleanup.'" Further broadening the request, those categories are intended to encompass every record "relating to" seven undefined cost factors. Thus, Metro maintains that the Appellant has not described the records sought with sufficient precision to allow it to identify responsive records as required by KRS 61.872(3)(b). The Office agrees with Metro's assessment of the Appellant's request and finds the Appellant failed to "precisely describe" the records that he is requesting as KRS 61.872(3)(b) requires.<sup>2</sup>

In 15-ORD-212, a request for copies of records "documenting the contacts and/or communications" by detectives of the Lexington Police Department with judges, law enforcement agencies, prosecutors, or "any person of the public nature," that was unlimited in temporal scope, did not satisfy the standard of KRS 61.872(3)(b). Even with a specified temporal scope, however, a request for copies of "[a]ny and all records related to the granting of easements by the City of Indian Hills to its property owners for the purpose of connecting to any MSD sewer line ... from January 1, 1990, to January 1, 1999" also lacked the precise description that KRS 61.872(3)(b) requires. 00-ORD-79. Similarly, a request specifying the temporal scope for "records indicative of [a named individual's] assistance with Kentucky State Police matters, including tips given to [the] department" failed to describe an identifiable class of records and was properly denied. 13-ORD-077; 20-ORD-017 (holding that a request for "documents evidencing communications" by the Governor or his administrative staff with a particular agency on specific subjects, unlimited in temporal scope, did not comply with KRS 61.872(3)(b) and was properly denied).

The ambiguity in "[a]ll existing records sufficient to show" is analogous to "records documenting . . . contacts and/or communications," "records indicative of . . . assistance," and "documents evidencing communications." The request fails to identify a specific set of records limited "by type . . . or any identifier other than relation to a subject." 13-ORD-077. Whether a record is "sufficient to show" costs, payments, or financial obligations regarding a specific event is a characterization

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<sup>2</sup> The Appellant maintains there is a significant public interest regarding the November 4, 2025, UPS Flight 2976 crash, that "strongly favors disclosure" and Metro had a duty to communicate with him to narrow the scope of the request if necessary. However, a determination of whether the Appellant's request was properly framed is not dependent on the level of public interest regarding the crash. Rather, employing such a balancing test is appropriate when the Office is asked to determine whether a public agency has properly redacted or withheld public records under KRS 61.878(1)(a). Likewise, Metro correctly argues that a public agency may communicate directly with a requester concerning the scope of his request but is not *required* by the Act to do so.

subject to interpretation, rendering the description “so nonspecific as to preclude the custodian from determining what, if any, existing records it might encompass.” 96-ORD-101. Because the Appellant did not “precisely describe records which are readily available within the public agency,” Metro properly denied his request under KRS 61.872(3)(b). A request that does not precisely describe the records “places an unreasonable burden on the agency to produce often incalculable numbers of widely dispersed and ill-defined public records.”<sup>3</sup> 25-ORD-407; 25-ORD-357; 99-ORD-14.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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/ Michelle D. Harrison  
Michelle D. Harrison  
Assistant Attorney General

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<sup>3</sup> Because KRS 61.872(3)(b) is dispositive of the issues presented, further discussion of KRS 61.872(6) is unnecessary.