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26-ORD-207

May 13, 2026

In re: Tina Burnell/Louisville Metro Government

**Summary:** The Louisville Metro Government (“Metro”) violated the Open Records Act (“the Act”) when it failed to issue a timely response to a request under the Act.

***Open Records Decision***

On April 6, 2026, Tina Burnell (“Appellant”) submitted a records request to Metro for “all public records consisting of emails sent to or from Mayor Craig Greenberg on September 22, 2025.”<sup>1</sup> On April 15, 2026, having received no response from Metro, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must decide within five business days whether to grant a request or deny it and “notify in writing the person making the request, within the five (5) day period, of its decision.” Here, on April 6, 2026, the Appellant submitted a request to Metro, and as of April 15, 2026, she had yet to receive a response. As proof, she provided a copy of her request indicating Metro received it on April 6. On appeal, Metro does not claim it timely responded to her request. As a result, Metro violated the Act.<sup>2</sup>

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<sup>1</sup> Specifically, the Appellant requested: (1) “[a]ll emails sent to or from any official [Metro] email account issued to or used by Mayor Greenberg (including, but not limited to craig.greenberg@louisvilleky.gov, or any other official address)”; (2) “[a]ll emails sent to or from the unpublished email address cg51@louisvilleky.gov (or any variation thereof) on that date”; and (3) “[a]ny emails forwarded, copied, or blind-copied to or from the above accounts on September 22, 2025.”

<sup>2</sup> On appeal, Metro states that “all responsive records . . . were provided as of April 15, 2026,” and it requests “that the present appeal be considered moot pursuant to the provisions of 40 KAR 1:030 § 6.” However, Metro did not timely respond to the Appellant's request. As a 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).

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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