



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-209

May 14, 2026

In re: Kevin Moulton/City of Hebron Estates

Summary: The City of Hebron Estates (“the City”) violated the Open Records Act (“the Act”) when it failed to respond to a portion of a request for records and did not respond at all to two other requests.

Open Records Decision

This appeal concerns three requests submitted to the City by Kevin Moulton (“the Appellant”).

On January 5, 2026, the Appellant submitted a multi-part request for various categories of records relating to a City resolution opposing a certificate of need application for ambulance services filed by the Zoneton Fire Protection District. One category of records requested was “[a]ll data, reports, analyses, or information relied upon or provided to support the assertion” in the City’s resolution “that [Bullitt County EMS] response times are acceptable.” The City provided certain records to the Appellant with a brief response stating, “See attached information we can provide.”

On February 25, 2026, the Appellant submitted a second request, in which he claimed the City had failed to respond to the above-quoted portion of his first request. Therefore, the Appellant requested “[all records, in any format, that were relied upon in drafting or approving [the] statement in the Resolution”; “[a]ny response time data, statistical analyses, performance matrices, compliance evaluations, or comparisons to recognized standards”; and “[a]ny written or electronic communications discussing the basis for concluding that [Bullitt County EMS] ‘meets and exceeds all needs of the community.’” Having received no response to this request by March 5, 2026, the Appellant initiated an appeal.

On February 26, 2026, Kevin Moulton (“the Appellant”) submitted a third request to the City seeking various records relating to an “agreement between the City and Connor Sturgill and/or the Vaughn Petitt Legal Group for legal

representation of the City in matters involving the Zoneton Fire Protection District's Certificate of need." Having received no response to this request by March 6, 2026, the Appellant initiated a second appeal.¹

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 agency possesses the records and a statutory exception applies that allows the agency to deny inspection, the agency must cite the exception and explain how it applies. Conversely, if the records do not exist, then the agency must affirmatively state that the requested records do not exist. *See Bowling v. Lexington-Fayette Urb. Cnty. Gov't*, 172 S.W.3d 333, 341 (Ky. 2005). Here, according to the Appellant, the City failed to respond to the Appellant's initial request for "data, reports, analyses, or information" relating to ambulance response times. The Appellant also alleges the City failed to respond at all to his second and third requests. Despite receiving notice of this appeal, the City has made no response contesting the Appellant's allegations. Accordingly, the Office finds that the City violated the Act.

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#173 & 210

Distributed to:

Mr. Kevin Moulton

¹ Because both appeals arose out of requests directed to the City, and because the City's lack of responsiveness is a principal issue in both appeals, the Office has consolidated them. *See, e.g.*, 22-ORD-167.

Hon. Jerry Clark
Mark Edison, Esq.
Michaeale McCauley, Clerk