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OFFICE OF THE ATTORNEY GENERAL

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26-ORD-210

May 14, 2026

In re: John Claypoole/Bullitt County Detention Center

**Summary:** The Bullitt County Detention Center (“the Center”) violated the Open Records Act (“the Act”) when it failed to properly invoke KRS 61.872(5).

***Open Records Decision***

On January 26, 2023, John Claypoole (“the Appellant”) submitted 16 requests for records to the Center. In a January 27, 2026, response, the Center stated that, “[d]ue to the extremely large amount of data you have requested, it will take us some time to get all the information together.” The Center further stated that it would let the Appellant “know that [he] can come to the [Center]” to retrieve the records “[a]s soon as [it] ha[s] all” of them. On January 28, the Appellant asked for a specific date on which the records would be made available. On January 29, the Center responded, stating, “We are working on it.” Then, on February 3, 2026, the Center stated that the Appellant “could have the records in the next couple of weeks, or it could take several weeks due to the sheer volume.” On February 12, 2026, the Appellant asked for a status update on his requests and received no response. On March 31, the Center stated that it was still compiling the records, but that it “is difficult to estimate when the request will be filled because [the Appellant] asked for an extremely large amount of information.” On April 3, having received no further response from the Center, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. This period may be extended if the records are “in active use, in storage or not otherwise available,” but the agency must give “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5). Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s

action if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . delay past the five (5) day period described in [KRS 61.880(1) or] excessive extensions of time.”

Here, the Center’s initial response did not grant or deny the Appellant’s request. Instead, without expressly invoking KRS 61.872(5), the Center stated that it needed additional time to respond. First, that response failed to state the date on which the records would be made available. Moreover, that response did not provide a “detailed explanation” for why the Center could not timely provide the requested records. Instead, it stated that the delay was caused by the “extremely large amount of data you have requested.” A vague statement about the volume of a request is not a “detailed explanation” under KRS 61.872(5). *See, e.g.*, 22-ORD-164; 17-ORD-194.

While many unrelated, simultaneous requests to inspect records may place a strain on a public agency, “[n]either the volume of unrelated requests nor staffing issues justifies a delayed response.” *See* 19-ORD-188 n.1; *see also* 25-ORD-013; 24-ORD-063; 22-ORD-167. Ultimately, the agency bears the burden of proof to sustain its action. KRS 61.880(2)(c). The Center only referred generally to the “volume” of records implicated by the Appellant’s 16 requests, without quantifying what the volume of records was by number of documents, the total number of pages of records, or the like. That statement, standing alone, does not adequately invoke KRS 61.872(5). Therefore, the Center violated the Act.<sup>1</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](mailto:OAGAppeals@ky.gov).

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<sup>1</sup> The Center did not respond on appeal. As such, the Office’s review is limited to reviewing the Center’s responses, as provided by the Appellant. Although the simultaneous submission of 16 requests could reasonably necessitate some delay, the Office cannot determine what delay may have been reasonable under the circumstances because the Center has not attempted to justify its delay on appeal. *See* 61.880(2)(c).

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
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Distributed to:

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