



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-299

July 8, 2026

In re: Glenn Kasper/Smith's Grove Police Department

Summary: The Smith's Grove Police Department ("the Department") violated the Open Records Act ("the Act") when it failed to respond to a request under the Act.

Open Records Decision

On May 12, 2026, Glenn Kasper ("Appellant") submitted a request to the Department seeking all emails sent to or from the Department or the Smith's Grove Chief of Police between August 1, 2025, and the date of the request. On June 11, 2026, having received no response to his request, 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." Here, the Appellant submitted a request to the Department on May 12, 2026, and as of June 11, 2026, he had yet to receive a response. The Department has not disputed the Appellant's claims on appeal.¹ Therefore, the Office must conclude that the Department violated the Act when it did not respond to a request for records.²

¹ Instead, the Department provided copies of its prior responses to similar requests.

² On appeal, the Department states that it can deny the requests pursuant to the attorney-client privilege and under KRS 61.878(1)(h). However, the Department does not explain how the attorney-client privilege would apply to every email sent or received by it or its Chief of Police, nor does the Department explain what harm would result from disclosure of the records, thus making the records exempt under KRS 61.878(1)(h). See *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996) (holding an agency's explanation must "provide particular and detailed information," not merely a "limited and perfunctory response"). However, because the Appellant brought this appeal regarding the Department's nonresponse to his request, the Office limits its decision to that issue.

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

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Distributed to:

Glenn Kasper, Appellant
Jason Franks, Smiths Grove Police Department, Chief
Jessica Hay, Smiths Grove City Clerk
Hamp Moore, Smiths Grove City Attorney