



COMMONWEALTH OF KENTUCKY
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21-ORD-149

August 16, 2021

In re: Stephen Zoglman/Kentucky Transportation Cabinet

Summary: The Kentucky Transportation Cabinet (the “Cabinet”) violated the Open Records Act (“the Act”) when it did not issue a timely written response to a request to inspect records.

Open Records Decision

On July 8, 2021, Stephen Zoglman (“Appellant”) submitted to the Cabinet a request for certain records. On July 16, 2021, having received no response from the Cabinet, the Appellant appealed to this Office.

Under KRS 61.880(1), upon 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 Cabinet was required to issue a written response on or before July 15, 2021. Because the Cabinet did not respond within five business days it violated the Act.¹

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action

¹ After the Appellant initiated this appeal, the Cabinet responded to the request and asked the Appellant to modify his original request to include specific keywords and email addresses because the original request would lead to a “vast amount of data[.]” The Appellant agreed to this modification and provided the requested information to the Cabinet. The Cabinet now claims its new search yielded no responsive records and the Appellant does not contest the Cabinet’s claim.

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in circuit court, but shall not be named as a party in that action or in any subsequent proceedings.

Daniel Cameron
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/s/Matthew Ray
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Distributed to:

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