



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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22-ORD-018

February 1, 2022

In re: Jim Lang/Kentucky Board of Nursing

Summary: The Kentucky Board of Nursing (the “Board”) violated the Open Records Act (“the Act”) when it failed to respond to a request under the Act within five business days of receiving the request.

Open Records Decision

On December 15, 2021, Jim Lang (“Appellant”) submitted a request to the Board for “any Memorandum, Policy, Procedure or Protocol . . . that requires [the Appellant] to exhaust avenues by filing an Inmate Grievance before [his] Complaint will be investigated or heard[.]” On December 29, 2021, having received no response from the Board, this appeal followed.

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.” On appeal, the Board admits that the Appellant’s request was received on December 17, 2021 and that it did not respond until January 11, 2022. Thus, the Board violated the Act when it failed to issue a timely response to the Appellant’s request.¹

¹ On appeal, the Board claims to have mailed “three documents” to the Appellant and that “[n]o responsive documents were withheld.” The Appellant does not dispute these claims, but alleges that the Board is violating its own policy and procedure. Historically, this Office has found that an appeal under the Act is not the appropriate forum for claims unrelated to the

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 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.

Daniel Cameron
Attorney General

/s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Jim Lang, #089449
Amy Wheeler