



COMMONWEALTH OF KENTUCKY  
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24-ORD-163

July 18, 2024

In re: Jerry Grooms/Fayette County Public School System

**Summary:** The Fayette County Public School System (“FCPS”) violated the Open Records Act (“the Act”) when it failed to timely respond to a request under the Act.

***Open Records Decision***

On June 4, 2024, Jerry Grooms (“Appellant”) submitted a request to FCPS for “all documents related to rebranding costs” related to FCPS’s new slogan. On June 18, 2024, having received no response from FCPS, the Appellant initiated this appeal.<sup>1</sup>

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, FCPS received the Appellant’s original request on June 4, 2024, but did not respond to it until after this appeal was initiated. Thus, FCPS violated the Act.<sup>2</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

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<sup>1</sup> On the same day, FCPS stated that “requested records have been delivered via electronic mail” and that the “issue is now moot.” See 40 KAR 1:030 § 6 (“If the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter.”). On appeal, the Appellant confirms the “records were provided” but objects to the appeal being considered moot because FCPS only provided the records after he appealed to the Office. Thus, the appeal is not moot; FCPS subverted the Act by causing “delay past the five (5) day period described in” KRS 61.880(1) when it failed to provide the records within five business days. See, e.g., 23-ORD-274; 23-ORD-007.

<sup>2</sup> On appeal, FCPS does not claim that it responded timely to the Appellant’s request.

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).

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

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

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