



COMMONWEALTH OF KENTUCKY
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25-ORD-041

February 13, 2025

In re: Melanie Barker/Cabinet for Health and Family Services

Summary: The Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) when it failed to issue a response to two requests to inspect records within five business days of receiving them.

Open Records Decision

On January 8, 2024, Melanie Barker (“Appellant”) submitted two requests to the Cabinet seeking the “name of the school[s] and the” amount of “Child Care Stimulus Money from 2020-2024” they received and the “name [and] amount” of “Child Care Stimulus Money” received by Kentucky YMCA facilities. On January 16, 2025, having received no response to her 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 her requests to the Cabinet on January 8, 2025, but had not received a response as of January 16, 2025, the sixth business day following submission of the requests. The Cabinet does not assert that it responded prior to January 16, 2025. Accordingly, the Cabinet violated the Act when it failed to respond to the Appellant’s requests within five business days.¹

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

¹ On appeal, the Cabinet explains that, on January 16, 2025, it provided the Appellant with the only records in its possession that are responsive to her request.

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
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Distributed to:

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