



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-050

February 18, 2025

In re: Mathew Daily/Kentucky Law Enforcement Council

Summary: The Kentucky Law Enforcement Council (“the Council”) violated the Open Records Act (“the Act”) when it failed to issue a response within five business days of receiving it.

Open Records Decision

On January 13, 2025, Mathew Daily (“Appellant”) submitted a request to the Council seeking his peace officer professional standards “certification status/standing” as well as records relating to his employment and termination by the Carrol County Sheriff’s Office. On January 23, 2025, 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 his request to the Council on January 13, 2025, but had not received a written response as of January 23, 2025. The Council, on appeal, stated that it “had a telephone conversation with [the] Appellant” advising him that some of the requested records were “available to him online through his LETRS account” and others were in possession of the Carrol County Sheriff’s Office. However, the Act requires that public agencies “shall notify *in writing* the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1) (emphasis added). Here, the Council did not timely respond in writing to the Appellant’s request. Accordingly, the Council violated the Act when it failed to respond to the Appellant’s requests within five business days.¹

¹ On appeal, the Council states that it issued a written response to the Appellant’s request on January 29, 2025.

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 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:

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