



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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March 11, 2016

Ms. Amy E. Shoemaker
Office of University Counsel
University of Louisville
Grawemeyer Hall
Louisville, KY 40292

Re: Open Records Appeal - Log Number 201600105

Dear Ms. Shoemaker:

As you know, Dr. Peter Hasselbacher has appealed the University of Louisville's denial of his February 10, 2016, open records request. Referencing President James Ramsey's "definitive action to suspend tournament and Post Season play for the University of Louisville men's basketball team," Dr. Hasselbacher requested access to "all the documents, reports, and other information President Ramsey had in hand to cause him to take this action on behalf of the University" and, if President Ramsey's "decision was made or supported by another party such as an administrator or program director in the athletics department, . . . all records used by such a representative to endorse or support the final action by President Ramsey."

KRS 61.880(2)(c) authorizes the Attorney General to "request additional documentation from the agency for substantiation" of the action it took in responding to an open records request and assigns the burden of proof in sustaining that action to the agency. Pursuant to KRS 61.880(2)(c), and to facilitate our review of the issue on appeal, we ask that the University describe how it conducted its search for records in President Ramsey's custody, and records in the custody of other parties "such as an administrator or a program director in the athletics department," that are responsive to Dr. Hasselbacher's request. Bearing

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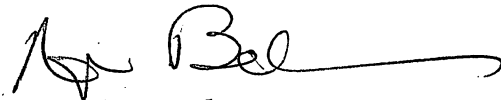


in mind that the Attorney General has long recognized that an agency must make a good faith effort to conduct a search using methods which can reasonably be expected to produce the records requested," please document the efforts that were made to locate responsive records. See, e.g., 95-ORD-96; 14-ORD-023.

We ask that the University respond, in writing, on or before March 21, 2016, and that the University provide Dr. Hasselbacher with a copy of its written response. We appreciate the University's cooperation in this matter.

Sincerely,

Andy Beshear
Attorney General

A handwritten signature in black ink, appearing to read 'Amye L. Bensenhaver', with a long horizontal flourish extending to the right.

Amye L. Bensenhaver
Assistant Attorney General

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cc: Sherri Pawson
Peter Hasselbacher