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Office of the Attorney General
Attn: Debbie Mullins
700 Capitol Avenue, Suite 118
Frankfort, KY 40601

Re: Review of Denial of Request

Dear Ms. Mullins.

Please review my attached open records request to the University of Louisville and the final written response by that institution denying that there are responsive documents. It is difficult for me to believe that this is true.

I requested documents and information relevant to the suspension by President James Ramsey of all postseason and NCAA tournament participation by the University of Louisville basketball program. I believe the definitive decision and the deliberative process leading up to it are subject to open meeting and open records requirements including for the following reasons.

1. The decision and final action were, on their face, not preliminary – a definitive action was taken.
2. The specific issue of my request is not in judicial litigation.
3. The University of Louisville is a state entity for purposes of the open records act.
4. The University convened an investigative committee to look into the matter.
5. Even as a member of the Executive Faculty of the University, I am aware of no prior announcement of any meeting of the Investigative Committee, the assembly of the University of Louisville Board of Trustees, or any other faculty or governance group subject to open meeting and open records procedures.
6. Jon Fleischaker, one of Kentucky's preeminent attorneys in the field of journalism and open records law, has opined publicly that the gathering of the University of Louisville Board of Trustees prior to the public announcement of the suspension was in his opinion, a violation of Kentucky's open records act.
7. It beggars the imagination that such a serious action would have been taken without any documentation. In my opinion, not to document what happened behind closed doors up to the point of definitive action would be a dereliction of institutional responsibility, leaving history to speculate about the justification, or possible institutional or personal

motivations for a definitive decision and action that affected so many and has aroused so much public concern. I cannot believe this happened.

8. I was the faculty representative on the University of Louisville Athletic Association Board of Directors in the early 1990s. At that time, it was customary to hold all important preliminary meetings in three separate groups so as to avoid having to be responsive to open record procedures. I do not know if that is still the practice of the University or its Athletic Association, but my prior experience obviously drives my current suspicion that meetings and information that should be available in the public domain are not being disclosed in this matter.

I am not an attorney and my request to the University may have been flawed in some way allowing the University to fairly deny it, but I see this as one example of the current University administration's reflexive posture of secrecy, one that has led to one embarrassment after another for this public institution.

Thank you for your consideration.
Respectfully,

Peter Hasselbacher, M.D.
Emeritus Prof. of Medicine,
University of Louisville.