

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

APR 06 2026

PUBLIC SERVICE
COMMISSION

In the matter of:

Jason Kremer

(Your Full Name)

COMPLAINANT

VS.

Northern Kentucky Water District

(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of

Jason Kremer

(Your Full Name)

respectfully shows:

(a)

Jason Kremer

(Your Full Name)

11099 Pleasant Ridge Road Alexandria KY 41001

(Your Address)

[REDACTED]
(Your Email Address)

(b)

Northern Kentucky Water District

(Name of Utility)

2835 Crescent Springs Road Erlanger KY 41018

(Address of Utility)

(c) That

(Describe here attaching additional sheets if necessary the specific act, fully and clearly

or facts that are the reason and basis for the complaint.)

This complaint arises from the removal of a water meter by the by the utility without proper documentation, identification of the associated account, or restoration of service, as detailed in the attached statement of facts. A detailed atatment of facts and supporting documentation is attached hereto and incorporated by reference

VS

Wherefore, complainant asks

(Specifically state the relief desired.)

Complainant request the following relief:

A full statement of the requested relief is attached and incorporated herein.

Specifically, Complainant request that the Northern Kentucky Water District:

1. Immediately provide a written position regarding the removed water meter and associated account.
2. Cease any further relocation or installation work until this matter is resolved
3. Provide all records identifying the removed meter and its corresponding account
4. Restore service and/or provide a replacement without additional cost to Complainant

Dated at Alexandria Kentucky, this 2nd day of
(Your City)

April . 20 26
(Month)


(Your Signature*)

(Name and Address of Attorney, if any)

04/02/2026
Date

*Complaints by corporations or associations or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE COMMONWEALTH OF KENTUCKY**

In the Matter of:

Jason Kremer

Complainant

v.

Northern Kentucky Water District

Defendant

FORMAL COMPLAINT

Complainant, Jason Kremer, for his complaint against Northern Kentucky Water District, states as follows:

1. Individual Capacity. This complaint is brought by Jason Kremer in his individual capacity only. The subject of this complaint is limited to a single water meter referred to herein as the **7th meter**. The 7th meter is the personal responsibility of the Complainant. This complaint is not asserted on behalf of any corporation, limited liability company, partnership, or other business entity.

2. Reason for Separate Individual Filing. A prior submission was rejected on the basis that issues involving other meters were viewed as business-related and therefore required counsel. This complaint is intentionally limited to the 7th meter only so the record is clear that the matter presented here concerns the Complainant personally and does not require attorney representation for a business entity.

3. Property Background. The property at issue is 7855 Alexandria Pike, Alexandria, Kentucky. The property contains multiple units that have historically been served by multiple water meters. While other meters may relate to business responsibilities, the 7th meter is separate and is the personal responsibility of the Complainant.

4. Removal of the 7th Meter. During renovation activity, a representative or technician of Northern Kentucky Water District came to the property and removed the 7th meter. Complainant was present at the time of removal. At the time the meter was removed, no meter number was recorded or provided to Complainant, no account information was identified, no receipt or written documentation of the removal was given, and no written explanation was provided describing why the meter was removed or what would be required next.

5. Failure to Identify the Meter and Account. After the removal, Complainant made repeated written requests for identification of the removed 7th meter, the corresponding account number, and any records relating to the installation, servicing, or removal of that meter. Northern Kentucky Water District failed and/or refused to provide that information. Instead, the position communicated to Complainant was that the utility could not proceed without a meter number or account number, even though the utility itself removed the meter and should possess the corresponding records.

6. Failure to Provide Basic Documentation. Despite repeated requests, Northern Kentucky Water District has not provided a formal written position addressing the existence of the 7th meter, the identity of the associated account, the documentation supporting the removal, or the documentation supporting the

work the utility claims is required. This has left Complainant without a clear written utility position and without the records necessary to resolve service issues.

7. March 27, 2026 Written Request to Counsel. On March 27, 2026, Complainant sent an email to Northern Kentucky Water District's counsel, Tom Edge, to clarify the record. In that email, Complainant asked counsel to confirm whether the utility's position was that it would not provide a written response to the requested information outside of the Kentucky Public Service Commission process. The email also stated that the matter had been ongoing for approximately one year and that multiple written requests had already been made for basic documentation and a formal written position, including identification of the meter, the associated account, and documentation supporting the required work.

8. No Response to March 27, 2026 Email. No response was received to that March 27, 2026 email. As a result, the record presently reflects that Complainant attempted once again to obtain clarification and a written position before filing, but Northern Kentucky Water District did not respond.

9. Refusal to Communicate Outside Litigation Channel. Northern Kentucky Water District, through counsel, has taken the position that communication should occur through counsel in connection with separate litigation. However, the issues raised in this complaint concern utility records, meter identification, account identification, and the ability to restore service. Complainant has been unable to obtain a direct written utility response on those utility issues.

10. Open Records History. On or about March 27, 2026, Complainant submitted an open records request relating to the 7th meter and associated records. That request was received on March 31, 2026. As of the filing of this complaint, the requested records have not been produced. In addition, Complainant has previously submitted at least five open records requests that were denied by the utility's counsel and later overturned by the Kentucky Attorney General. This prior history is relevant because it shows an ongoing pattern of refusing or withholding records and forcing Complainant to seek outside intervention in order to obtain basic information.

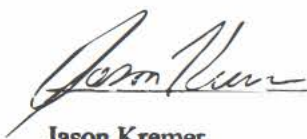
11. Harm to Complainant. Because the 7th meter was removed without documentation and because Northern Kentucky Water District has not identified the meter, the account, or the records associated with it, Complainant has been unable to restore or establish service for the affected unit. The inability to obtain a written response and the inability to obtain records have impaired the use of the property and exposed Complainant to additional unnecessary expense.

12. Commission Jurisdiction. This matter involves utility service, utility records, and utility actions affecting the availability and restoration of water service, and therefore falls within the jurisdiction of the Kentucky Public Service Commission.

13. Attached Exhibits. In support of this complaint, Complainant may attach or supplement with the March 27, 2026 email to Tom Edge, proof of delivery of requests, open records correspondence, Attorney General decisions overturning prior denials, and any other related correspondence or records.

WHEREFORE, Complainant respectfully submits this Formal Complaint to the Kentucky Public Service Commission and requests review of the matters set forth herein.

Respectfully submitted,



Jason Kremer

11099 Pleasant Ridge Road

Alexandria, KY 41001



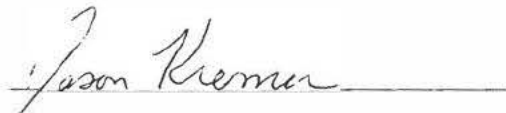
**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE COMMONWEALTH OF KENTUCKY**

RELIEF REQUESTED

Complainant, Jason Kremer, respectfully requests that the Kentucky Public Service Commission direct Northern Kentucky Water District to provide the following relief with respect to the 7th meter that is the subject of this complaint:

1. Provide a written, signed position identifying the utility's current position regarding the 7th meter, including the reason for its removal and the utility's position on what, if anything, is required to restore service.
2. Identify the removed meter by meter number, account number, service address, and any other identifier sufficient to connect the meter to the utility's records.
3. Produce all records, logs, notes, work orders, service records, installation records, removal records, photographs, correspondence, and internal documentation relating to the 7th meter and its associated account.
4. State in writing what work, if any, Northern Kentucky Water District contends is required before service can be restored, and provide the documentation supporting that position.
5. Restore water service, or provide replacement service, for the affected unit without imposing unnecessary or unsupported costs on Complainant.
6. Cease and desist from proceeding with installation, relocation, or related work on the other six meters until the 7th meter issue is addressed and resolved. Requiring Northern Kentucky Water District to return later to address the 7th meter separately will create unnecessary additional expense and inefficiency that can be avoided by pausing the remaining meter work until this matter is resolved.
7. Cease and desist from relocating, reinstalling, or requiring additional work relating to the 7th meter until the utility has identified the meter and account and has produced the records and written position requested above.
8. Grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,



Jason Kremer

Date: 04/01/2026

Exhibit A March 27, 2024 Email to Tom Edge

From: Jason Kremer [REDACTED]
Subject: FOIA Request
Date: Mar 27, 2026 at 2:25:53 PM
To: Tom Edge tedge@nkywater.org
Cc: Barry Miller BMiller@nkywater.org, Amber Fletcher
AFletcher@nkywater.org, info@nkywater.org, lrechtin@nkywater.org,
rharrison@nkywater.org, skampsen@nkywater.org, sli@nkywater.org,
Tom Edge tedge@nkywater.org

Dear Custodian of Records,

Pursuant to the Kentucky Open Records Act, KRS 61.870–61.884, I request access to and copies of all records, in any format, relating to:

- The removal of water meters
- The planned relocation of meters from interior to exterior locations
- Associated account and billing activity
- All related communications, engineering, permitting, and decision-making

for the following property:

- 7855 Alexandria Pike
- 7855 Alexandria Pike Units #1–#4
- 7857 Alexandria Pike

This request is intended to be comprehensive and includes all records regardless of format, storage location, or device used, including personal devices used for work-related communications.

TIMEFRAME OF REQUEST

This request includes all records from January 1, 2023 through the present, or any earlier date if records exist relating to meter installation, removal, or account history for the property.

1. FIELD OPERATIONS & METER REMOVAL

All records relating to any site visit, meter removal, inspection, or field activity, including but not limited to:

- Work orders, service tickets, dispatch logs
- Technician notes, field reports, and job summaries
- Internal system entries (including mobile/field software)
- GPS logs, timestamps, and vehicle tracking data
- Crew assignments and supervisor approvals

- Photographs and/or video taken before, during, or after the visit
- Any required documentation that should have been generated under NKWD policy

2. METER IDENTIFICATION & CHAIN OF CUSTODY

All records sufficient to identify and track all meters associated with the property, including:

- Meter numbers, serial numbers, and associated account numbers
- Installation, removal, and transfer records
- Inventory logs for removed meters
- Storage location, disposition, or reassignment records
- Any documentation reflecting loss, misidentification, or inability to locate any meter

3. ACCOUNT, BILLING, AND SERVICE CHANGES

All records relating to any account associated with the property, including:

- All account numbers (past and present)
- Billing address changes, account ownership changes, or reassignments
- Internal notes explaining or authorizing such changes
- Billing history before and after any changes
- Any records connecting or disconnecting meters to accounts

4. INTERNAL & EXTERNAL COMMUNICATIONS

All communications, regardless of format, including:

- Emails (including full metadata, attachments, CC/BCC fields)
- Text messages and internal messaging platforms
- Call logs or summaries

Including communications:

- Between NKWD employees
- Between NKWD and contractors, engineers, or government agencies
- Between NKWD and legal counsel (excluding privileged content, but including logs and participants)
- Referring to:
 - Meter removal
 - Meter relocation
 - Missing or unidentified meter(s)
 - My requests or complaints
 - Open records requests
 - Regulatory matters
-

5. EMAIL INTEGRITY & MODIFICATION OF COMMUNICATIONS

All records relating to the handling or alteration of email communications, including:

- Any records showing removal or modification of CC recipients
- Email forwarding logs or rules
- Internal discussions regarding limiting or modifying communications

6. POLICIES, PROCEDURES, AND TRAINING

All policies and procedures related to:

- Meter installation, removal, and relocation
- Documentation of field work
- Meter/account tracking
- Customer notification requirements
- Complaint handling
- Open records compliance

7. PRIOR OPEN RECORDS REQUESTS & RESPONSES

- Copies of all open records requests submitted by me or on my behalf
- NKWD's responses
- Internal communications regarding handling of those requests

8. RECORD RETENTION, DELETION, AND LOSS

- Document retention policies
- Any records reflecting deletion, destruction, or loss of responsive records
- Any audits or reviews of missing records

9. PERSONNEL & DECISION-MAKING

Identification of all NKWD personnel involved in:

- Meter removal
- Meter relocation project
- Account or billing decisions
- Responses to my requests

10. INCIDENTS, COMPLAINTS, AND INVESTIGATIONS

- Internal complaints or incident reports
- Any investigations or reviews
- Any documentation related to Attorney General or regulatory matters

11. BARRY MILLER EMAIL & METER RELOCATION PROJECT

All records related to the communication sent by Barry Miller regarding relocation of interior meters to exterior locations at the above-listed addresses.

A. COMMUNICATIONS

- All internal and external communications regarding this project

B. ENGINEERING RECORDS

- Plans, drawings, specifications, and layouts

C. OUTSIDE AGENCY COMMUNICATIONS

- Communications with:
 - Kentucky Transportation Cabinet
 - Kentucky Public Service Commission
 - Local permitting or inspection authorities
 - Contractors or engineers

-

D. ENCROACHMENT PERMIT

- Full permit file, application, attachments, approvals, and communications

E. PROJECT AUTHORIZATION

- Internal approvals and decision-making

F. CHANGES OR DEVIATIONS

- Any delay, modification, or issue

G. ORIGINAL EMAIL

- Native copy with metadata and attachments

12. MISSING / UNDOCUMENTED SEVENTH (7TH) METER

This request specifically includes all records relating to a seventh (7th) water meter associated with the property, which was removed or handled by NKWD personnel but is not currently being accounted for.

I was physically present at the property at the time NKWD personnel removed this meter and personally observed the removal. To my knowledge, the identifying information for this meter was not recorded at the time of removal.

A. IDENTIFICATION

- All records identifying this seventh (7th) meter

B. FIELD ACTIVITY

- All records relating to its removal

C. COMMUNICATIONS

- All discussions regarding the missing meter or failure to document it

D. ACCOUNTING & BILLING

- Any records reflecting how NKWD accounted for this meter

E. INVESTIGATION OR REVIEW

- Any internal review or corrective action

F. METER COUNT DISCREPANCY

- Any records comparing expected vs actual number of meters

13. THIRD-PARTY CONTRACTORS AND VENDORS

This request includes all records held by or communications with any third-party contractors, subcontractors, or vendors acting on behalf of NKWD relating to:

- Meter removal or relocation
- Excavation or installation work
- Engineering or inspection services

Including any records in their possession that are subject to NKWD control or access.

14. FORMAT OF PRODUCTION

Provide all records in electronic format, including native files where available.

15. CERTIFICATION REQUIREMENT

If any records are withheld or claimed not to exist, provide:

- Specific statutory basis for denial
- Description of search conducted, including:
 - Systems searched
 - Individuals consulted
 - Search terms used
 - Date ranges applied

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16. PRESERVATION NOTICE

Please preserve all responsive records, as this matter is ongoing and subject to regulatory review.

17. PRIOR OPEN RECORDS DETERMINATION

Prior Open Records requests submitted by me were denied on the basis that they were allegedly intended to “annoy or harass.”

That determination was subsequently overturned by the Kentucky Attorney General’s Office.

NKWD is therefore on notice that such grounds are not a valid basis for denial under the Kentucky Open Records Act.

18. COMMUNICATIONS ON PERSONAL DEVICES USED FOR PUBLIC BUSINESS

This request includes all communications relating to the subject matter of this request that were created, sent, or received by NKWD personnel using personal devices or non-NKWD systems, to the extent such communications relate to public business.

This includes, but is not limited to:

- Text messages (SMS, iMessage, or similar)
- Emails sent or received from personal email accounts
- Messages sent through third-party applications

To the extent NKWD personnel used personal devices or accounts to conduct or discuss public business relating to:

- Meter removal
- Meter relocation
- The missing seventh (7th) meter
- Account or billing matters
- Communications with outside agencies

such records are requested.

If NKWD contends that no such records exist, please confirm whether such devices or accounts were searched.

Please respond within three (3) business days as required by KRS 61.880.

Thank You,
Jason Kremer

From: Jason Kremer [REDACTED]
Subject: Re: FOIA Requests
Date: Mar 31, 2026 at 5:20:58 PM
To: Tom Edge tedge@nkywater.org
Cc: Barry Miller BMiller@nkywater.org, Amber Fletcher
AFletcher@nkywater.org, info@nkywater.org, lrechtin@nkywater.org,
rharrison@nkywater.org, skampsen@nkywater.org, sli@nkywater.org,
Tom Edge tedge@nkywater.org

Custodian of Records,

I am following up regarding the Open Records Request submitted to Northern Kentucky Water District.

This request was transmitted via certified mail (USPS Tracking No. 9589071052704022331606) and has been confirmed as delivered to your office. As of today, more than three (3) business days have elapsed since this request was emailed to the record custodian and I have not received any confirmation of receipt or response.

Pursuant to KRS 61.872(5), the custodian of records is required to respond to an open records request within three (3) business days, either by producing the requested records or by providing a written explanation of the cause for delay and the earliest date the records will be available.

To date, neither has been provided.

Please confirm in writing immediately:

1. Receipt of the Open Records Request
2. The status of the request
3. The date on which the requested records will be made available

Additionally, given the prior history of multiple open records requests being denied and subsequently overturned by the Kentucky Attorney General, it is important that this request be handled in full compliance with the Open Records Act.

If a response is not received promptly, this will be included as part of a formal appeal to the Kentucky Attorney General for review.

I look forward to your immediate confirmation.

Thank You,
Jason Kremer

On Mar 27, 2026, at 2:25PM, Jason Kremer [REDACTED] wrote:

Dear Custodian of Records,

Pursuant to the Kentucky Open Records Act, KRS 61.870–61.884, I request access to and copies of all records, in any format, relating to:

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- 7855 Alexandria Pike Units #1–#4
- 7857 Alexandria Pike

This request is intended to be comprehensive and includes all records regardless of format, storage location, or device used, including personal devices used for work-related communications.

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E. PROJECT AUTHORIZATION

- Internal approvals and decision-making

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- Native copy with metadata and attachments

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- All records relating to its removal

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- Any records comparing expected vs actual number of meters

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- Excavation or installation work
- Engineering or inspection services

Including any records in their possession that are subject to NKWD control or access.

14. FORMAT OF PRODUCTION

Provide all records in electronic format, including native files where available.

15. CERTIFICATION REQUIREMENT

If any records are withheld or claimed not to exist, provide:

- Specific statutory basis for denial
- Description of search conducted, including:
 - Systems searched
 - Individuals consulted
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 - Date ranges applied

•

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Please preserve all responsive records, as this matter is ongoing and subject to regulatory review.

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That determination was subsequently overturned by the Kentucky Attorney General’s Office.

NKWD is therefore on notice that such grounds are not a valid basis for denial under the Kentucky Open Records Act.

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This includes, but is not limited to:

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- Messages sent through third-party applications

To the extent NKWD personnel used personal devices or accounts to conduct or discuss public business relating to:

- Meter removal
- Meter relocation
- The missing seventh (7th) meter
- Account or billing matters
- Communications with outside agencies

such records are requested.

If NKWD contends that no such records exist, please confirm whether such devices or accounts were searched.

Please respond within three (3) business days as required by KRS 61.880.

Thank You,
Jason Kremer

From: Jason Kremer [REDACTED]
Subject: Open Records Appeal – Failure to Respond – Northern Kentucky
Water District
Date: Apr 2, 2026 at 9:26:12 AM
To: oogappeals@ky.gov

FORMAL COMPLAINT – VIOLATION OF THE KENTUCKY OPEN RECORDS ACT

Pursuant to the Kentucky Open Records Act, and specifically KRS 61.880, I hereby submit this complaint regarding the Northern Kentucky

1. BACKGROUND

On March 27, 2026, I submitted a comprehensive Open Records Request to the Northern Kentucky Water District (“NKWD”) via:

- Email to the Custodian of Records
- Certified Mail (USPS Tracking No. 9589071052704022331606), which was received on March 31, 2026

The request sought records relating to:

- Removal of water meters
- Planned relocation of meters from interior to exterior
- Account and billing activity
- Internal and external communications
- Engineering, permitting, and decision-making
- A specific missing seventh (7th) water meter

The request clearly identified the subject property as:

- 7855 Alexandria Pike
- Units #1-#4
- 7857 Alexandria Pike

2. FAILURE TO RESPOND

Pursuant to KRS 61.880(1), NKWD was required to respond within three (3) business days of receipt of the request.

Based on the March 27, 2026 submission date, NKWD's response deadline has passed.

As of April 2, 2026, NKWD has provided no response of any kind, including:

- No acknowledgment
- No production of records
- No explanation for delay
- No assertion of any exemption

This constitutes a direct violation of the Kentucky Open Records Act.

3. PRIOR OPEN RECORDS HISTORY

This is not the first issue regarding NKWD's handling of my Open Records Requests.

A prior request submitted by me was denied by NKWD on the basis that it was allegedly intended to "annoy or harass."

That determination was overturned by the Attorney General, confirming that NKWD's prior denial was improper.

Despite that ruling, NKWD has again failed to comply with its statutory obligations.

4. NATURE OF REQUEST

The request was specific, detailed, and directly related to:

- Public infrastructure (water meters)
- Public utility operations
- Account and billing records
- Government decision-making and field operations

The request also included records maintained in any format, including communications conducted on personal devices relating to public l

5. VIOLATION

NKWD's complete failure to respond within the statutory timeframe is a clear violation of:

- KRS 61.880(1)

The statute requires a response within three (3) business days. NKWD has failed to meet this requirement entirely.

6. RELIEF REQUESTED

I respectfully request that the Attorney General:

1. Issue a finding that NKWD violated the Kentucky Open Records Act
2. Order NKWD to immediately respond to the request
3. Require NKWD to produce all responsive records without further delay
4. Require NKWD to comply with all statutory obligations moving forward

7. SUPPORTING DOCUMENTATION

Attached:

- Copy of original Open Records Request (dated March 27, 2026)
- Proof of certified mail delivery (Tracking No. 9589071052704022331606)
- Copy of email transmission

8. CERTIFICATION

I certify that this complaint is submitted in good faith and that the facts stated herein are true and correct to the best of my knowledge.

Submitted by:

Jason Kremer

Date: April 2, 2026

 FOIA submitted 03_27_26
.pdf
3 MB



0
9T3E
3316
2204
0225
5270

CERTIFIED MAIL

Domestic Mail Only

For delivery information

Erlanger, KY

Certified Mail Fee \$ **3.50**

Extra Services & Fees (check box)

- Return Receipt (hardcopy)
- Return Receipt (electronic)
- Certified Mail Restricted Delivery
- Adult Signature Required
- Adult Signature Restricted

9589 0710
6856

Postage

\$0.00

\$

Total Postage and Fees

\$10.48

\$

Sent To

NICWID Ope.

Street and Apt. No., or PO

2835 Cres

City, State, ZIP+4®

Fr lange

PS Form 3800, January



From: Jason Kremer >

To: Tom Edge >

Cc: Barry Miller > Amber Fletcher >

info@nkywater.org >

lrechtin@nkywater.org >

rharrison@nkywater.org >

skampsen@nkywater.org >

sli@nkywater.org > Tom Edge >

March 27, 2026 at 2:25 PM

FOIA Requests

Dear Custodian of Records,

Pursuant to the Kentucky Open Records Act, KRS 61.870–61.884, I request access to and copies of all records, in any format, relating to

- The removal of water meters
- The planned relocation of meters from interior to exterior locations
- Associated account and billing activities

✓

- All related communications engineer

Thank You,
Jason Kremer



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-404

December 16, 2025

In re: Jason Kremer/Northern Kentucky Water District

Summary: The Northern Kentucky Water District (“the District”) violated the Open Records Act (“the Act”) when it denied a request for records under KRS 61.872(6) without proving by clear and convincing evidence that repeated requests were intended to disrupt other essential functions of the District.

Open Records Decision

On October 24, 2025, Jason Kremer (“Appellant”) submitted an eight-part request for records to the District.¹ The District timely denied the request, asserting under KRS 61.872(6) that the request was “intended to disrupt other essential functions of the” District. As support for its denial, the District referenced its production of 547 pages of records responsive to a previous request submitted by the Appellant² and the continued correspondence the Appellant had directed to the District and its employees. The District further referenced an allegation of criminal activity by the Appellant, his complaints about the District that were submitted to the Public Service Commission, and his threat to submit a complaint about the District to this Office. This appeal followed.

Under KRS 61.872(6), “[i]f the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the

¹ Specifically, the Appellant sought: (1) records documenting that “accusations that [he] declined or refused to communicate with [District] staff; (2) records of phone calls between him and District staff; (3) records associated with a particular phone call on October 21, 2025, and the name of a District employee; (4) records documenting “second-follow-ups”; (5) correspondence from the District’s counsel and records custodian instructing the Appellant to only communicate with him; (6) communications regarding an alleged theft of the Appellant’s property; (7) communications between the District and the Public Service Commission regarding the Appellant; and (8) copies of the physical mailing envelopes associated with his original records request and certain associated information.

² That request was the subject of 25-ORD-395.

official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.” The “clear and convincing evidence” standard is a difficult threshold for an agency to meet, as it “requires the party with the burden of proof to produce evidence substantially more persuasive than a preponderance of evidence, but not beyond a reasonable doubt.” *Fitch v. Burns*, 782 S.W.2d 618, 622 (Ky. 1989). Thus, the trier of fact “must be persuaded that the truth of the contention is ‘highly probable.’” *Id.* (quoting *McCormick on Evidence* § 340(b), at 796 (2d ed. 1972)).

To determine whether a request is “intended” to disrupt the essential functions of an agency, the Office considers different factors than those described above. This exemption requires the agency to provide evidence of factors separate from the request itself, because the official custodian must have “reason to believe” the requester’s “intent” is not to inspect records, but to cause disruption. *Id.* Although it is difficult for an agency to prove by clear and convincing evidence that a requester solely intends to disrupt its essential functions, it is not impossible. For example, in 02-ORD-230, intent to disrupt was established by a broadly worded request (“ALL Richmond District Court Facilities Corporate Records”), coupled with an extensive history of failure to retrieve requested records and a criminal conviction for harassing communications directed to city employees. Similarly, in 05-ORD-121, the Office found intent to disrupt when an individual made an “overly broad and blanket [request] for previously requested and provided records” and had established a prior “pattern of conduct” in which he requested “voluminous documents [and] either did not inspect the records or inspected only a small portion of them.” In 22-ORD-048, intent to disrupt was proven by a requester’s repeated failure to retrieve records and requesting copies of all city ordinances, which he knew were temporarily not in the city’s possession due to an ongoing digitization process. In 15-ORD-015, intent to disrupt was found when a requester had repeatedly failed to pay for copies of voluminous records in a timely manner and demanded the agency pay him \$500,000 to stop submitting requests. But outside such “extreme and abusive circumstances[,] it is the legislative intent that public employees exercise patience and long-suffering in making public records available for public inspection.” OAG 77-151.

Here, the District argues that intent to disrupt is demonstrated by three factors: (1) “the requests are repetitive and designed to duplicate work”; (2) the circumstances surrounding the Appellant’s appeals to the Office; and (3) ongoing disputes between the District and the Appellant before other agencies. The Office will address each in turn.

First, it does not appear that the Appellant's two submitted requests are identical.³ Although it is likely that there may be an overlap of records that are responsive to both requests, the Office concludes that the requests, overall, are substantially unique. Thus, this request is distinct from 05-ORD-121, in which the requester had demonstrated a pattern of submitting requests for previously requested records. Moreover, in 05-ORD-121, the agency demonstrated that the requester had a pattern of requesting a large number of records and then failing to inspect the majority of them. The District has not established such a pattern of conduct by the Appellant here.

The District also refers to the circumstances surrounding the Appellant's multiple appeals to the Office. The Appellant has filed three appeals with the Office. One appeal is final and resulted in 25-ORD-395. The District explains that the Appellant submitted the appeal that was the subject of 25-ORD-395 before inspecting the records made available. Although the Office does agree that the submission of an appeal prior to inspection of the record production can be evidence of an intent to disrupt, the Office declines to find that this fact, standing alone, constitutes clear and convincing evidence of the Appellant's intent to disrupt the District's functions. This is because, in 25-ORD-395, the Office found that one portion of the District's response had failed to comply with the Act. Given the evident merit of at least a portion of the Appellant's appeal, the Office declines to find that the timing of that appeal is evidence of an intent to disrupt the District's essential functions.

Finally, the District explains that it and the Appellant have been engaged in legal proceedings before other administrative agencies that relate to "the same dispute." According to the District, the existence of these other proceedings is evidence of the Appellant's goal of "forcing unnecessary administrative expenditure and diverting resources away from essential operations."⁴ However, the Office has previously found the fact that a requester "has been a critic of" a public agency, 05-ORD-152, or pursues legal action against the agency, *see* OAG 89-79, is not clear and convincing evidence of an intent to disrupt the agency's essential functions.

In the Office's prior decisions in which a public agency demonstrated by clear and convincing evidence that a requester intended to disrupt essential functions of a public agency, certain common factors can be found. In general, the requesters have

³ A description of the Appellant's prior request is available at 25-ORD-395 n. 1.

⁴ Of course, the General Assembly arguably has determined that responding to requests under the Act is an "essential operation," insofar as the "free and open examination of public records is in the public interest" and any exemption from the Act's disclosure requirements must be "strictly construed." KRS 61.871.

exhibited a previous pattern of failure to retrieve, inspect, or pay for voluminous records after requesting them, coupled with clearly harassing behavior or repeated requests for the same records. This appeal does not present the same type of evidence found in 22-ORD-048, 15-ORD-015, 05-ORD-121, or 02-ORD-230. Accordingly, the Office cannot find that the District has sustained, by clear and convincing evidence, its claim that the Appellant's "requests are intended to disrupt other essential functions of the public agency" within the meaning of KRS 61.872(6). Therefore, the District violated the Act when it denied the Appellant's request.⁵

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

#657

Distributed to:

Jason Kremer
Tom Edge, Esq.

⁵ The Office makes no finding regarding whether fulfilling the Appellant's request would amount to an unreasonable burden under KRS 61.872(6).



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-419

December 23, 2025

In re: Jason Kremer/Northern Kentucky Water District

Summary: The Northern Kentucky Water District (“the District”) violated the Open Records Act (“the Act”) when it denied a request for records under KRS 61.872(6) without proving by clear and convincing evidence that repeated requests were intended to disrupt other essential functions of the District.

Open Records Decision

On November 18, 2025, Jason Kremer (“Appellant”) submitted a seven-part request for records to the District.¹ The District timely denied the request, asserting under KRS 61.872(6) that the request was “intended to disrupt other essential functions of the” District. As support for its denial, the District referenced its production of 547 pages of records responsive to a previous request submitted by the Appellant² and the continued correspondence the Appellant had directed to the District and its employees. The District further referenced an allegation of criminal activity by the Appellant, his complaints about the District that were submitted to the Public Service Commission, and his separate appeals submitted to this Office. This appeal followed.³

¹ Specifically, the Appellant sought: (1) “current and historical [District] documents related to asbestos safety”; (2) records related to “the asbestos exposure incident involving” a named District employee; (3) records related to the District’s compliance with its “asbestos exposure reporting policy”; (4) records of disciplinary action against a particular District employee; (5) all communications between the District and a particular Kentucky Occupational Safety and Health Review Commission (“KOSH”) inspector; (6) all communications between the District and KOSH; and (7) records related to District work performed at a particular address.

² That request was the subject of 25-ORD-395.

³ Apart from its general denial under KRS 61.872(6), the District stated that it does not possess records responsive to parts 1, 3, 4, and 5 of the Appellant’s request. The Appellant has not challenged this portion of the District’s denial.

Under KRS 61.872(6), “[i]f the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.” The “clear and convincing evidence” standard is a difficult threshold for an agency to meet, as it “requires the party with the burden of proof to produce evidence substantially more persuasive than a preponderance of evidence, but not beyond a reasonable doubt.” *Fitch v. Burns*, 782 S.W.2d 618, 622 (Ky. 1989). Thus, the trier of fact “must be persuaded that the truth of the contention is ‘highly probable.’” *Id.* (quoting *McCormick on Evidence* § 340(b), at 796 (2d ed. 1972)).

In 25-ORD-404, the Office considered this Appellant’s challenge to the District’s similar invocation of KRS 61.872(6). There, the Office concluded that the District had not established by clear and convincing evidence that the Appellant intended to disrupt its essential functions. In the present appeal, the District refers to the same arguments made in 25-ORD-404. Nothing in the record before it demands that the Office depart from its prior decision.⁴ Therefore, the Office cannot find that the District has sustained, by clear and convincing evidence, its claim that the Appellant’s “requests are intended to disrupt other essential functions of the public agency,” within the meaning of KRS 61.872(6). Therefore, the District violated the Act when it denied the Appellant’s request.⁵

Separately, the Appellant also alleges that the District violated the Act by (1) allowing its General Counsel to serve as its records custodian, (2) by timing its denial to delay access to records, and (3) by not advising the Appellant of his right to appeal its denial to this Office. The Office will address each claim in turn.

An “official custodian” is the “chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records.” KRS 61.870(5). The Act does not contain any limitations

⁴ The only new fact presented in this appeal is that the District received a KOSH complaint that it believes was submitted by the Appellant. But even assuming that belief is correct, the Office has previously found the fact that a requester “has been a critic of” a public agency, 05-ORD-152, or pursues legal action against the agency, *see* OAG 89-79, is not clear and convincing evidence of an intent to disrupt the agency’s essential functions.

⁵ The Office makes no finding regarding whether fulfilling the Appellant’s request would amount to an unreasonable burden under KRS 61.872(6).

regarding who can serve an agency's "official custodian."⁶ Thus, the District did not violate the Act when its General Counsel acted as its official custodian.

Next the Appellant alleges that the District has delayed his access to records. Under KRS 61.880(1), an agency must issue a written response granting or denying a request within five business days of receipt. Here, the Appellant request was submitted by mail on November 18, 2025, and the District states that it was received on November 20, 2025. The District's response was issued on November 26, 2025, the fourth business day after receipt of the request. As such, the District's response was timely under the Act.

Finally, the Appellant alleges that the District was required to advise him of his right to appeal its denial. The Appellant is incorrect. No provision of the Act requires an agency to inform a requester of his or her right to file an appeal with this Office. Thus, the District did not violate the Act when it did not do so in its denial.

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

#684

Distributed to:

Jason Kremer
Tom Edge, Esq.

⁶ The Appellant cites several decisions of the Office for the proposition that an agency attorney may not make decisions regarding whether to grant or deny requests for records received by the agency. However, none of the decisions cited by the Appellant support the Appellant argument and his description of those decisions do not accurately reflect their content.

From: Tom Edge tedge@nkywater.org
Subject: RE: *EXTERNAL* Notice of Open Records Appeal - 684
Date: Dec 4, 2025 at 3:06:29 PM
To: Zimmerer, Zachary M (KYOAG) zachary.zimmerer@ky.gov, Jason
Kremer [REDACTED]

Mr. Zimmerer,

Please see the attached response in Log #[202500684](#). I would also ask that this file be incorporated into Log #[202500657](#) and vice versa. If there is additional action I need to accomplish this, please advise. Thanks!

Respectfully,

Tom Edge, Esq.
General Counsel
Director of Compliance, Communications, and Regulatory Affairs
Northern Kentucky Water District
2835 Crescent Springs Rd.
Erlanger, KY 41018
Phone - 859-578-5457
Fax - 859-426-2770
Email: tedge@nkywater.org

From: Zimmerer, Zachary M (KYOAG) <zachary.zimmerer@ky.gov>
Sent: Monday, December 1, 2025 12:20 PM
To: Jason Kremer [REDACTED]; Tom Edge <tedge@nkywater.org>
Subject: *EXTERNAL* Notice of Open Records Appeal - 684

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached notice of an open records appeal filed with the Office of the Attorney General.

Zachary M. Zimmerer | Assistant Attorney General | Office of Civil & Environmental Law
Kentucky Office of Attorney General | 1024 Capital Center Drive | Suite 200 | Frankfort, KY 40601 | Phone
[502-696-5617](tel:502-696-5617) | Zachary.Zimmerer@ky.gov

**Open Records Appeal
Response (NKWD) Log...**

**NKYWD Letter Inspection
.pdf**

**12 3 25 Letter to KY OSH
.pdf**

SENT VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED
AND VIA EMAIL

Kentucky Open Records Request
KRS 61.870–61.884

Date: 11/18/2025

To:

Northern Kentucky Water District
Attn: Open Records Custodian
2835 Crescent Springs Road
Erlanger, KY 41018
openrecords@nkwd.org

RE: Request for Records Related to Asbestos Exposure, OSHA Communications, Employee Safety Incidents, and Jobsite Activities at 7855 Alexandria Pike

To Whom It May Concern,

Pursuant to the Kentucky Open Records Act (KRS 61.870–61.884), I respectfully request to inspect or obtain electronic copies of the following public records maintained by the Northern Kentucky Water District (NKWD):

1. Asbestos Exposure, Identification & Reporting Policies

Please provide all current and historical NKWD documents related to asbestos safety, including:

- Employee and contractor asbestos exposure policies
- Hazard identification procedures
- Required reporting steps
- Training materials
- Internal directives or manuals
- Any prior versions of these policies

2. Records Regarding Asbestos Exposure of NKWD Employee “Mike”

All records relating to the asbestos exposure incident involving NKWD employee “Mike,” including:

- Incident reports
- Supervisor notes
- Internal memos
- Photographs
- Safety reports
- Documentation showing how or why he entered an active asbestos abatement area
- Investigation results or findings
- Emails, texts, or messages referencing the incident

- Any OSHA notifications or involvement

3. NKWD's Compliance With Its Asbestos Exposure Reporting Policy

Please provide:

- A copy of the exposure report required to be filed
- Any routing, signatures, or approval documentation
- Records showing whether NKWD followed reporting procedures
- Any documents showing non-compliance

4. Records of Disciplinary Action Taken Against "Mike"

All disciplinary documentation related to "Mike," including:

- Written or verbal warnings
- HR disciplinary reports
- Corrective action plans
- Safety violation findings
- Suspension notices
- OR written confirmation that no disciplinary action occurred

5. All Communications Between NKWD and KY OSHA Inspector Kyle Hart

All communications involving Kentucky OSHA Inspector Kyle Hart, including:

- Emails
- Letters
- Memoranda
- Attachments
- Notes or summaries of phone calls
- Voicemail logs
- Inspection notices or findings
- Any discussion relating to asbestos exposure
- Any communication referencing work at 7855 Alexandria Pike

6. All Communications Between NKWD and Kentucky OSHA (General)

This includes:

- Emails
- Letters
- Text messages
- Complaint responses
- Hazard reports
- Internal discussions referencing OSHA
- Recorded calls, if they exist

7. Records Related to NKWD Work Performed at:

7855 Alexandria Pike
Alexandria, KY 41001

Including:

- Internal notes
- Photographs
- Field logs
- Service notes
- Work orders
- Project details
- Asbestos-related communications
- Safety-related communications
- NKWD-OSHA communications referencing this address

Format of Records

Please provide all responsive records electronically to:

Jason Kremer

JasonKremer8255@gmail.com

Statutory Notice

Under KRS 61.872 and KRS 61.880, NKWD must respond within five (5) business days stating:

- Whether records exist
- Whether they will be produced
- Whether additional time is needed
- Any exemption under KRS 61.878 used to deny or redact information

This request is made for a non-commercial purpose.

Sincerely,

Jason Kremer

7855 Alexandria Pike

Alexandria, KY 41001



From: [Jason Kremer](#)
To: [KYOAG Appeals; Tom Edge](#)
Subject: NKWD Open Records Blanket Denial
Date: Wednesday, November 26, 2025 6:21:06 PM
Attachments: [AS 20251120120618991 .pdf](#)
[AS Attorney General Open Records Appeal Updated Referral Missing NoSig.pdf](#)
[didE7D55834-C683-4E55-B319-41EE5AC7C4CA.pdf](#)

****CAUTION**** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Dear Open Records/Open Meetings Division,

Please see the attached documents related to my Open Records Appeal against the Northern Kentucky Water District (NKWD):

- (1) my original Open Records Request,
- (2) NKWD's November 26, 2025 blanket denial, and
- (3) my written appeal.

I respectfully request the Attorney General's review due to multiple statutory violations and a substantial conflict of interest affecting NKWD's denial.

Legal Conflict of Interest – Supporting Authority

The denial was issued by Tom Edge, who is serving simultaneously as NKWD's General Counsel and its Open Records Custodian. This dual role violates the fundamental requirement under KRS 61.880(1) that a records custodian must conduct a neutral, independent review of requested records.

Kentucky Attorney General binding opinions have repeatedly stated that:

- An agency attorney may not act as the Open Records decision-maker in matters involving potential liability for the agency.
— 17-ORD-119; 14-ORD-046; 02-ORD-222
- A custodian must not act in an advocacy role or allow litigation strategy to influence a KORA response.
— 02-ORD-222 (“custodian must perform a non-advocacy review”)
- Using exemptions or denials to protect the agency from exposure or embarrassment is unlawful.
— 14-ORD-046; 20-ORD-077

Here, Mr. Edge is:

1. Defending NKWD on the very issues connected to the requested records (including asbestos exposure, OSHA communication, and potential safety violations);
2. Controlling access to those same records in his capacity as Open Records Custodian; and
3. Issuing a blanket denial that shields NKWD from potential legal and regulatory scrutiny.

This is precisely the type of conflict the Attorney General has rejected for more than twenty years. In 17-ORD-119, the AG held that an agency attorney “is not a proper custodian when legal exposure is implicated,” because the attorney’s duty of loyalty to the agency is incompatible with the statutory duty of transparency.

Potential Abuse of KRS 61.872(6)

NKWD's denial relies on a claim that the request was intended to "disrupt essential functions." The AG has repeatedly ruled that KRS 61.872(6) cannot be invoked based on disputes, complaints, or the possibility of litigation.

— 21-ORD-163; 20-ORD-077

Delay Tactic Impacting Statutes of Limitations

The nature and timing of the denial indicate an effort to:

- Delay production of records needed to evaluate potential legal claims, and
- Push matters toward expiration of applicable statutes of limitations or OSHA reporting deadlines.

The AG has held that using the Open Records Act for such strategic delay is improper and violates the intent of KRS 61.871, which mandates a policy of "free and open examination of public records."

Failure to Provide Required Appeal Notice

NKWD's denial also omitted the mandatory statutory advisement informing the requester of the right to appeal to the Attorney General, a direct violation of KRS 61.880(1).

For all these reasons, I respectfully request that the Attorney General:

- Find NKWD in violation of the Open Records Act;
- Order NKWD to produce all non-exempt records;
- Require NKWD to justify each exemption with specificity; and
- Order the District to release redacted documents where only portions are exempt under KRS 61.878(4).

I certify that this appeal has been simultaneously sent to NKWD.

Sincerely,

Jason Kremer

7855 Alexandria Pike, Apt 3

Alexandria, KY 41001



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Thank You,
Jason Kremer

OPEN RECORDS APPEAL

To the Kentucky Attorney General

KRS 61.880(2) • KRS 61.882

Date: November 26, 2025

To:

Office of the Attorney General

Open Records/Open Meetings Division

700 Capitol Avenue

Frankfort, KY 40601

OR@ky.gov

From:

Jason Kremer

7855 Alexandria Pike, Apt 3

Alexandria, KY 41001



Re: Open Records Appeal – Northern Kentucky Water District Denial Dated November 26, 2025

I. INTRODUCTION

This appeal challenges NKWD's blanket denial of my Open Records Request and its failure to comply with the Kentucky Open Records Act (KORA). The denial, issued by attorney Tom Edge, violates statutory requirements and longstanding Attorney General precedent.

Additionally, Mr. Edge's response failed to include the ****required statutory language advising the requester of the right to appeal the denial to the Attorney General****, as required by ****KRS 61.880(1)****. This omission is itself a violation of the Open Records Act and further demonstrates NKWD's noncompliance.

II. FACTUAL BACKGROUND

On November 18, 2025, I requested asbestos safety documents, internal notes, OSHA communications, employee-entry records, photographs, and any communications referencing 7855 Alexandria Pike. NKWD denied the request in full on November 26, 2025.

III. CONFLICT OF INTEREST – WHY IT APPLIES

The individual issuing the denial, Tom Edge, serves simultaneously as NKWD's legal counsel and its records custodian. This dual role violates the statutory requirement that a custodian conduct a neutral review under KRS 61.880(1).

We further believe Mr. Edge is intentionally using blanket denials as a delay tactic to push potential litigation beyond applicable statutes of limitations. This tactic directly benefits NKWD and creates a serious conflict of interest, as Mr. Edge is both the attorney defending NKWD and the individual controlling access to records requested under KORA.

Why each authority applies:

17-ORD-119 – Applies because NKWD faces OSHA-related exposure, and Mr. Edge is defending NKWD. AG precedent prohibits attorneys from making ORR decisions where liability is at issue.

14-ORD-046 – Applies because NKWD's denial is a blanket refusal issued by its attorney to protect the agency despite statutory disclosure duties.

02-ORD-222 – Applies because NKWD failed to conduct a record-specific, non-advocacy review.

20-ORD-077 – Applies because KRS 61.872(6) cannot be invoked based on disagreements or disputes with the requester.

21-ORD-163 – Applies because the denial improperly rests on disputing motives rather than statutory grounds.

98-ORD-9, 13-ORD-075, 21-ORD-056 – Apply because denial cannot be used to manipulate or delay litigation timelines.

KRS 61.880(1) – Applies because NKWD failed to provide the mandatory appeal advisement and failed to justify its denial.

KRS 61.878(1) – Applies because exemptions cannot be used to conceal wrongdoing or avoid accountability.

KRS 61.880(2)(c) – Applies because NKWD did not meet its burden to prove exemptions.

KRS 61.878(4) – Applies because NKWD withheld entire documents rather than redacting and releasing non-exempt portions.

IV. REQUESTED RELIEF

I request that the Attorney General:

1. Find NKWD violated KRS 61.880 and KRS 61.878.
2. Order NKWD to produce all non-exempt records.
3. Order NKWD to justify each exemption individually with factual support.
4. Order NKWD to release redacted records when only a portion is exempt.

WHY THESE APPLY:

Each duty is mandatory. NKWD's blanket denial violates the statutory requirement of partial release when possible. AG decisions consistently hold that redaction—not total withholding—is required.

V. REQUIRED APPEAL LANGUAGE

“This is a request for review of an agency denial under KRS 61.880(2). I request that the Attorney General review this matter and issue a decision determining whether the agency violated the Open Records Act.”

“I certify that this appeal is being simultaneously copied and sent to the agency.”

VI. ATTACHMENTS

1. My original request (Nov. 18, 2025)
2. NKWD denial (Nov. 26, 2025)

VII. CONCLUSION

NKWD's denial is unlawful, omits required advisement language, conflicts with AG precedent, and appears to serve as a delay tactic benefiting NKWD in potential litigation. I respectfully request a ruling ordering full compliance.

From: **Zimmerer, Zachary M (KYOAG)** zachary.zimmerer@ky.gov
Subject: **Notice of Open Records Appeal - 684**
Date: **Dec 1, 2025 at 12:20:03 PM**
To: **Jason Kremer** [REDACTED] **Tom Edge**
tedge@nkywater.org

Please find attached notice of an open records appeal filed with the Office of the Attorney General.

Zachary M. Zimmerer | Assistant Attorney General | Office of Civil & Environmental Law
Kentucky Office of Attorney General | 1024 Capital Center Drive | Suite 200 | Frankfort, KY 40601 | Phone
[502-696-5617](tel:502-696-5617) | Zachary.Zimmerer@ky.gov



**COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL**

**RUSSELL COLEMAN
ATTORNEY GENERAL**

**1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300**

December 1, 2025

NOTICE OF APPEAL

Dear Records Custodian:

The Kentucky Office of the Attorney General has received an appeal under the Open Records Act ("Act") regarding your agency's alleged failure to comply with the Act.

You may email your agency's response, if any, to OAGAppeals@ky.gov, referencing Log# 202500684 in the subject line. Your agency's response must be received within five (5) business days of the date of this notice. A decision in this matter will be rendered on or before December 31, 2025.

If you are not the correct recipient of this notice or if your agency would like another individual to receive future notices via electronic mail, please notify our office at OAGAppeals@ky.gov.

Sincerely,

**Russell Coleman
Attorney General**

CC: **Jason Kremer**
Tom Edge, Esq.

An Equal Opportunity Employer M/F/D

OR Appeal - 684.pdf

**OR Appeal Attachment 1 -
684.pdf**

**OR Appeal Attachment 2 -
684.pdf**



November 26, 2025

Jason Kremer (via email only to JasonKremer8255@gmail.com)
1109 Pleasant Ridge Road
Alexandria, Kentucky 41001

RE: *Open Records Requests*

Dear Mr. Kremer,

On behalf of the Northern Kentucky Water District ("NKWD") I write in response to your open records request letter dated November 18, 2025 and received by NKWD on November 20, 2025. In response, NKWD denies each of the aforementioned requests collectively as the requests are intended to disrupt other essential functions of the

public agency pursuant to KRS 61.872(6). This denial is supported through the evidence of the 547 pages of records and recordings already made available to you in your last records request dated October 13, 2025, and numerous email communications thereafter to which you were a party. Moreover, such denial is supported by the two pending open records appeals made by you at the Kentucky Attorney General's Office. Again, the denial is also supported by your other activities including multiple iterations of complaints with the Public Service Commission, uncorroborated allegations of criminal activity, unsupported attempt to threaten NKWD with a complaint to the Kentucky Attorney General's Office, and the content of the request asking for specific employee names which would not serve any functional purpose except to further harass or annoy. While NKWD denies this request at this time, NKWD will be willing to reconsider at your request after decisions of the Attorney General's Office in the aforementioned appeals.

This said, I would note that NKWD does not have any responsive records related to items 1, 3, 4, and 5 in your request except for correspondence between NKWD and yourself and emails relaying your communications internally.

In addition to this general denial, NKWD would note the following specific denials may also be applicable within your request which include: (i) requests for preliminary notes, drafts, correspondence with private individuals other than correspondence which is intended to give notice of final action, preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended would be excluded pursuant to KRS 61.8781(1)(i-j); (ii) request for communications with legal counsel regarding threatened litigation and administrative actions which would be excluded as attorney-client privilege or attorney work product; (iii) request for records related to Kentucky OSHA wherein NKWD would not be the official records custodian and request would need to be relayed to those respective agencies; (iv) request that require NKWD to create, manufacture or supply information not already in existence as NKWD, are not required to gather, create, manufacture and supply information not already in existence. See OAG 76-375; OAG 87-84; 00-ORD-76; 01-ORD-121; 04-ORD-080; and 08-ORD-269. Other exclusions may also be available upon further review but as the general denial is being made, further investigation was not undertaken.

Respectfully,



Tom Edge, Esq.
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Exhibit D Proof of delivery / Certified mail

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