



COMMONWEALTH OF KENTUCKY
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22-ORD-096

May 16, 2022

In re: Chad Heath/Administrative Office of the Courts

Summary: The Open Records Act (“the Act”) does not apply to records of the Administrative Office of the Courts (“AOC”).

Open Records Decision

On April 7, 2022, Chad Heath (“Appellant”) requested that AOC provide a copy of a “statement/filing showing that [a circuit judge] has completed and registered with the U.S. Department of Justice pursuant to the FARA (Foreign Agents Registration Act) Act [sic] of 1938.”¹ After receiving no response, the Appellant initiated this appeal.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, AOC, an agency of the Kentucky Court of Justice, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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

¹ As this Office has previously noted, the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.*, applies only to entities in the United States that are operating on behalf of a foreign government, or foreign individuals, for political or financial purposes. *See* 22-ORD-058 n.2. There is no evidence that the circuit judge is engaged in any activity on behalf of foreign actors, and consequently no reason AOC would have the record requested by the Appellant.

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Attorney General will accept notice of the complaint e-mailed to
OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

s/James M. Herrick
James M. Herrick
Assistant Attorney General

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Enclosure

Distributed to:

Mr. Chad Heath
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