



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**22-ORD-102**

May 19, 2022

In re: Hugh Galloway/Office of Attorney General

**Summary:** The Office of Attorney General (“the Office”) did not violate the Open Records Act (“the Act”) when it denied a request to inspect records that did not contain a statement affirming the requester’s status as a resident of the Commonwealth.

***Open Records Decision***

Hugh Galloway (“the Appellant”) is not a resident of the Commonwealth. However, he submitted a request to this Office to inspect the official bonds executed by various judicial officials.<sup>1</sup> The Office denied the Appellant’s request under KRS 61.872(2)(a) because the request did not contain a statement by the Appellant demonstrating he was a resident of the Commonwealth. In addition to denying the request, however, the Office explained that it did not possess any records responsive to the request. This appeal followed.

During the 2021 Regular Session, the General Assembly enacted House Bill 312 (“2021 HB 312”) which made a significant change to the Act. Effective June 29, 2021, “[a]ll public records shall be open for inspection by any *resident of the Commonwealth*” and “[a]ny *resident of the Commonwealth* shall have the right to inspect public records.” KRS 61.872. The Act defines “resident of the Commonwealth” to include an individual residing in the Commonwealth, a domestic business entity, a foreign business entity registered with the Secretary of State, a person employed in the Commonwealth, a person or business that owns real property in the Commonwealth, or any person “that

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<sup>1</sup> The Appellant also sent similar requests to the Administrative Office of the Courts, the Governor, the Secretary of State, and the Treasurer.

has been authorized to act on behalf of” one of these individuals. KRS 61.870(10). A “resident of the Commonwealth” also includes a “new-gathering organization” as defined in KRS 189.635(8)(b)1.a. to e. *Id.*

Here, the Appellant openly admits that he is not a resident of the Commonwealth. However, the Appellant claims to have a right to inspect the requested records because “current and former court actions have drawn [him] into Kentucky.” KRS 61.870(10) does not include a person appearing in Kentucky under court orders within the definition of a “resident of the Commonwealth.” The Appellant does not have a statutory right to inspect public records because he is not a resident of the Commonwealth. KRS 61.870(10); KRS 61.872(2). Accordingly, the Office did not violate the Act when it denied the Appellant’s request.<sup>2</sup>

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

**Daniel Cameron**  
Attorney General

s/Marc Manley  
Marc Manley  
Assistant Attorney General

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<sup>2</sup> Although not required to do so, because the Appellant is not a resident of the Commonwealth, the Office notified the Appellant that no responsive records existed in the Office’s possession. Official judicial bonds are filed with the Secretary of State, who serves as the official records custodian for such records. *See* KRS 61.200(2); *see also* 22-ORD-035 (finding that the Finance and Administration Cabinet did not violate the Act when it denied a request for official judicial bonds because the official custodian of such records is the Secretary of State).

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Jeremy Sylvester