



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-116

May 2, 2025

In re: Scooter Cook/Office of the Attorney General

Summary: The Office of the Attorney General (“the Office”) did not violate the Open Records Act (“the Act”) when it required requests to be signed by the requester and to state the manner in which the requester was a resident of the Commonwealth of Kentucky.

Open Records Decision

Scooter Cook¹ (“the Appellant”) submitted three requests to the Office by email. First, he requested all emails and Microsoft Teams messages sent to or from a named employee of the Office during November and December 2024. Second, he requested an “organization chart for the [Office] with employee names and titles” and “the email addresses for all employees of the [Office].” Finally, he requested “a copy of any and all spreadsheets . . . showing the budget of the [Office] and the distribution of any funds at the disposal of the [Office].” In response, the Office asked the Appellant to resubmit his requests with “an electronic signature and provide a statement in the written application of the manner in which [he was] a resident of the Commonwealth under KRS 61.870(1)(a) to (f).” The Appellant objected to doing so because he had stated in a previous request on March 6, 2025, that he was “a resident of the Commonwealth.” In reply, the Office stated that “[t]his is a new open records request,” which did not include “a statement of residency and an electronic signature.” Therefore, the Office asked the Appellant to “resubmit the request including those two things,” either “in the body of an email, or by filling out the form” promulgated under KRS 61.876(4). This appeal followed.

When a person requests inspection of public records, “[t]he official custodian may require a written application, *signed by the applicant* and with his or her name

¹ Because the Appellant’s requests were not signed, nor was his appeal, the Office can only infer the Appellant’s name to be “Scooter Cook” from the identification in the sender field of the Appellant’s emails. The Office notes that the sender field of an email may be configured in various ways and does not necessarily contain the sender’s real name.

printed legibly on the application, describing the records to be inspected.” KRS 61.872(2)(a) (emphasis added). When a request is submitted electronically, an electronic signature may be used. *See* KRS 369.107(4) (“If a law requires a signature, an electronic signature satisfies the law.”); *see also, e.g.*, 21-ORD-007. A common method of electronically signing an emailed request is to type one’s name at the end of the email. *See, e.g.*, 19-ORD-180. Here, the Office chose to require the Appellant to include an electronic signature in his requests, and the Appellant refused to do so.

The Act further provides that “[t]he official custodian may require the applicant to provide *a statement in the written application* of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” KRS 61.872(2)(a) (emphasis added). “Resident of the Commonwealth” is defined as:

- (a) An individual residing in the Commonwealth;
- (b) A domestic business entity with a location in the Commonwealth;
- (c) A foreign business entity registered with the Secretary of State;
- (d) An individual that is employed and works at a location or locations within the Commonwealth;
- (e) An individual or business entity that owns real property within the Commonwealth;
- (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or
- (g) A news-gathering organization as defined in KRS 189.635(9)(b)1. a. to e.

KRS 61.870(10). Here, the Appellant claims he did not have to provide a statement of the manner in which he is a resident, because he had stated he was a resident in a previous request for records. However, KRS 61.872(2)(a) allows a public agency to require a statement of residency “in *the* written application” (emphasis added). This requirement is not satisfied by a statement of residency in a *previous* application,² despite the fact that the previous request may be part of the same email chain.³

The Appellant argues the Office attempted “to require a particular format or the use of a form to submit a request.” However, the record shows the Office neither required a specific format nor required the use of a form, but merely required the Appellant to include, in each of his requests, an electronic signature and a statement

² The Office expresses no opinion as to whether the Appellant’s March 6, 2025, request contained a statement of residency that complied with KRS 61.872(2)(a), as that issue is not pertinent to the present appeal.

³ An exchange of emails could conceivably span a period of many months or years, during which time an individual’s residency status might change. *See, e.g.*, 25-ORD-081.

of the manner in which he is a resident of the Commonwealth under KRS 61.870(10).⁴ Because a records custodian is authorized by KRS 61.872(2)(a) to impose those requirements, the Office did not violate the Act.

A party aggrieved by this decision may appeal it by initiating an 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 emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

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

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Distributed to:

Mr. Scooter Cook
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⁴ In fact, the Office stated clearly that the Appellant could provide his electronic signature and residency statement either “in the body of an email, *or* by filling out the form” promulgated pursuant to KRS 61.876(4) (emphasis added).