



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-153

June 13, 2025

In re: Nathan McCamish/Pulaski County Board of Education

Summary: The Pulaski County Board of Education (“the Board”) did not violate the Open Records Act (“the Act”) when it withheld a letter under KRS 61.878(1)(i).

Open Records Decision

Nathan McCamish (“Appellant”) submitted a request to the Board seeking “[t]he demand letter sent on or around August 26, 2024, by the Liberty Justice Center concerning” a particular individual. The Board denied the request under KRS 61.878(1)(i) and (j) because it contained preliminary drafts, correspondence with private individuals, preliminary memoranda in which opinions are expressed, and are otherwise preliminary communications related to settlement negotiations. The Board also denied the request under KRE 408, which is incorporated into the Act by KRS 61.878(1)(l). This appeal followed.

KRS 61.878(1)(i) exempts from disclosure “correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.” The Appellant specifically requested a letter sent to the Board by a private individual. Moreover, because the letter was sent to the Board, it cannot give “notice of final action” by the Board. Thus, because the Appellant has not provided evidence that the requested letter was sent by individuals who are “anything more than a private citizen,” that letter is exempt under KRS 61.878(1)(i). *See, e.g.,* 23-ORD-296; 21-ORD-248; 20-ORD-095.¹

¹ In a second, supplemental response, the Board stated that the Appellant had not stated how he qualified as a resident of the Commonwealth as defined by KRS 61.870(10) because he did not provide a Kentucky mailing address. On appeal, the Appellant explains that although he did not provide a Kentucky mailing address, he did state that he is an “individual residing in the Commonwealth.” The official records custodian may require a person requesting to inspect records “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth

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
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Distributed to:

Nathan McCamish
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Patrick Richardson, Superintendent Pulaski County Schools
Cindy Price, Chair, Pulaski County Board of Education

under KRS 61.870(10)(a) to (f).” KRS 61.872(2)(a). Here, the Appellant did so by stating he is an individual residing in the Commonwealth. However, because the Board’s original response properly denied the Appellant’s request under KRS 61.878(1)(i), the Office need not address the Board’s supplemental response. Similarly, because the Appellant’s request was properly denied under KRS 61.878(1)(i), the Office need not address the Board’s alternative arguments under KRS 61.878(1)(j) and (l) and KRE 408.