



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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25-ORD-154

June 13, 2025

In re: Warren Greer/Kentucky Historical Society

**Summary:** The Kentucky Historical Society (“the Society”) did not violate the Open Records Act (“the Act”) when it issued a response that provided the notice required by KRS 61.872(4).

### *Open Records Decision*

On May 7, 2025, Warren Greer (“Appellant”) submitted a request to the Society for the names and email addresses of the Society’s employees who make up the “multiple people on the America250 team.” The Appellant also requested “all internal and external [Society] emails and text messages relating to staff members administering the America250KY Commission.” On May 7, 2025, the Society told the Appellant he “may submit an open records request utilizing the information found at” its website and provided the address, fax number, and email address of its records custodian. This appeal followed.

Upon receiving a request to inspect records, a public agency must decide within five business days whether to grant the request, or deny the request and explain why. KRS 61.880(1). “If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency’s public records.” KRS 61.872(4).

Here, the Appellant submitted a request to an email address not belonging to the Society’s records custodian. In response, the Society provided the Appellant with the location and contact information of its records custodian. The Office has long held that a public agency may comply with the notice requirement of KRS 61.872(4) by either responding to the request with the contact information of the proper records custodian or forwarding the request to the proper records custodian for a prompt response to the request. *See, e.g.*, 23-ORD-273; 23-ORD-150; 22-ORD-002; 21-ORD-140; 12-ORD-153. Here, the Society chose the former course. Although the individual to whom the request was directed did not directly state they do not “have custody or

control of the public record requested,” they complied with the Act by providing the notice required by KRS 61.872(4). Thus, the Society’s response did not violate the Act.<sup>1</sup>

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/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Warren Greer  
Records Custodian, Kentucky Historical Society  
Scott Alvey  
Leah Craig

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<sup>1</sup> On appeal, the Society also argues that the request was properly denied because it did not indicate whether the request was for a commercial purpose and because the Appellant did not sign the request. The Office notes that KRS 61.876(4)(c) allows a public agency to ask the requester whether the requested records will be used for a commercial purpose, and a public agency can deny the request if the requester refuses or fails to answer the question. *See, e.g.*, 24-ORD-021. The Office further notes that 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 printed legibly on the application, describing the records to be inspected.” KRS 61.872(2)(a) (emphasis added). A requester who submits his request electronically may use an electronic signature. *See* KRS 369.107(4) (“If a law requires a signature, an electronic signature satisfies the law.”); *see also*, *e.g.*, 21-ORD-007.