



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

25-ORD-166

July 7, 2025

In re: Melanie Barker/Cabinet for Health and Family Services

Summary: The Office cannot find the Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) when it claims to have provided all records responsive to a request.

Open Records Decision

Melanie Barker (“Appellant”) submitted a request to the Cabinet seeking records related to Coronavirus Response and Relief Supplemental Appropriation Act funding. At issue here, she sought records containing the “Names of Early Childhood Professionals” who received some of that funding.¹ In response, the Cabinet identified records it had previously provided the Appellant in response to a different request and informed her those records were also responsive to this request. This appeal followed.

On appeal, the Appellant clarifies that she is seeking “a signed roster of those who received” first aid certifications pursuant to the Coronavirus Response and Relief Supplemental Appropriation Act. In response to the Appellant’s clarification, the Cabinet provided her with additional records and now states it has provided all records responsive to her request.² For her part, the Appellant asserts that the “roster has never been provided.” The Office has consistently found that it is unable to resolve factual disputes between the parties to an appeal under KRS 61.880(2)(a), such as whether all records responsive to a request have been provided, or whether requested records should include additional content. *See, e.g.,* 25-ORD-114; 22-ORD-010; 19-ORD-083; 03-ORD-061; OAG 89-81. Accordingly, the Office is unable to find the Cabinet violated the Act when it provided what it considered to be all records responsive to the Appellant’s request.

¹ The Cabinet’s responses to the remaining portions of the Appellant’s request are not at issue in this appeal.

² As proof, the Cabinet provided a copy of its email to the Appellant providing additional records.

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
Assistant Attorney General

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Distributed to:

Melanie Barker

Peyton Sands, Staff Attorney III, Cabinet for Health and Family Services

Natalie Nelson, Staff Attorney I, Cabinet for Health and Family Services

Evelyn L. Miller, Legal Secretary, CHFS Open Records, Cabinet for Health and Family Services