



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-180

July 18, 2025

In re: Samuel Tallent/City of Hazard

Summary: Before seeking the Attorney General’s review of an alleged violation of the Open Records Act (“the Act”) under KRS 61.880(2), a person must first actually submit a request to inspect records to a public agency under KRS 61.880(1).

Open Records Decision

Samuel Tallent (“the Appellant”) attempted to initiate an appeal to this Office, alleging the City of Hazard (“the City”) had violated the Act. However, the request for records provided by the Appellant with his appeal does not appear to have actually been submitted to the City by the Appellant. For that reason, the Office lacks jurisdiction over this matter and dismisses the appeal.

According to the Appellant’s documentation, an individual identified only as God Usopp (“the Requester”) submitted a request to the City by email on June 6, 2025, seeking certain records of the Hazard Police Department. After the City requested additional information on June 9, 2025, the Requester resubmitted the request, using “God Usopp” as both his name and signature, and providing a mailing address in Louisville, Kentucky. Two days later, the City stated it would mail the records to the Requester at the Louisville address. The Requester asked if the City could provide the records by email instead, and the City refused. On June 19, 2025, the Appellant initiated this appeal, attaching the correspondence between the Requester and the City.

Under Kentucky law, administrative proceedings are creatures of statute and therefore require strict compliance with the enabling statutes. *See, e.g., Kenton Cnty. Bd. of Adjustment v. Meitzen*, 607 S.W.3d 586, 594 (Ky. 2020). Thus, when a person seeks the Office’s review under KRS 61.880, he must strictly comply with that statute. *See, e.g., 22-ORD-165; 22-ORD-078*. Under the Act, “[i]f a *person* enforces [the Act] pursuant to [KRS 61.880], *he or she* shall begin enforcement under [KRS 61.880(1)] before proceeding to enforcement under [KRS 61.880(2)].”

KRS 61.880(1) (emphasis added). To begin enforcement under KRS 61.880(1), the person must submit a request to the agency. The statutory phrase “he or she” clearly refers to the preceding noun, “person,” indicating that, to invoke the Office’s jurisdiction, the person seeking to enforce the Act by appeal to the Attorney General must be the same person who submitted the request for records.¹

Under KRS 61.872(2)(a), a public agency’s official custodian of records “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.” Here, pursuant to that requirement, the Requester submitted the name and signature “God Usopp,” with an address in Louisville, Kentucky. In submitting this appeal, the Appellant used a different name and provided an address in Hazard, Kentucky.² Furthermore, he used a different email address from that used by the Requester. Thus, it does not appear that the Appellant is the same individual who submitted the request at issue.³ Because the Appellant did not comply with KRS 61.880 by first submitting his own request under KRS 61.880(1), the Office lacks jurisdiction under KRS 61.880(2) to consider his appeal. Therefore, the Appeal is dismissed.

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.

¹ Of course, an attorney representing the requester stands in the shoes of the requester and can therefore submit an appeal on the requester’s behalf. Similarly, an editor of a newspaper or other media organization can submit an appeal when a reporter’s request is denied, as the media organization itself is the “person” requesting the records.

² Under KRS 61.872(3)(b), only “a person whose residence or principal place of business is outside the county in which the public records are located” has the right to receive copies without first having inspected the records in person. See *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). Thus, a Hazard resident may not have the same right to obtain copies of the City’s records as a Louisville resident, but may first be required to inspect them in person. See KRS 61.874(1) (“Upon inspection, the applicant shall have the right . . . to obtain copies of all public records not exempted by the terms of KRS 61.878.”).

³ It is possible the Appellant submitted the request under a pseudonym. However, if a person gives a false name, his request fails to comply with KRS 61.872(2)(a). See 25-ORD-171 (“[A]n application for records that includes a pseudonym instead of the requester’s real name fails to comply with KRS 61.872(2)(a).”). In any event, the Appellant has not made any attempt to explain the discrepancy in names, postal addresses, or email addresses.

Russell Coleman
Attorney General

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

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Distributed to:

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