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25-ORD-271

September 25, 2025

In re: Howard Froelicher/Kentucky State Police

Summary: The Kentucky State Police (“KSP”) did not violate the Open Records Act (“the Act”) when it interpreted the Appellant’s request as submitted.

Open Records Decision

Howard Froelicher (“Appellant”) submitted a request seeking certain records related to Kentucky State Police Post 6. Specifically, he requested “[a]ll incident reports, investigative files, or records of shootings, drive-by shootings, or homicides occurring in or near Hayes Station Road” and “the surrounding area of Falmouth, Kentucky.” The Appellant also requested “any press releases, public statements, or case closure reports relates to those incidents.” The Appellant limited his request for records “[c]lose to the[] years” of 2013, 2018, and 2020. The Appellant identified himself and “residents” as involved parties associated with the requested records. In response, KSP stated it located one responsive record after searching for records using the Appellant’s name, the years specified, and the specified geographic location. This appeal followed, in which the Appellant alleges he did not receive the records he had requested.

Under KRS 61.880(4), a person may petition the Attorney General to review an agency’s action if the “person feels the intent of [the Act] is being subverted by an agency short of denial of inspection, including but not limited to . . . the misdirection of the applicant.”

The Appellant alleges the record he was provided is not the record he requested. In response, KSP explains that it could have denied the request because it failed to “precisely describe” the records sought. KRS 61.872(3)(b).

Under the Act, a public agency’s custodian of records “may require a written application . . . describing the records to be inspected.” KRS 61.872(2)(a). A request

to inspect public records must describe those records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). If the request is for copies of public records, it must “precisely describe[] the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotation marks omitted).

Here, although the Appellant did precisely describe the types of records he sought, the Appellant’s limiting parameters were less precise. First, the Appellant requested records in or “close” to the years 2013, 2018, and 2020. Without more, it is unclear what amount of time the Appellant considers to be “close” to a calendar year. Similarly, the Appellant identified himself and “residents” as involved parties related to the records requested. But KSP states it cannot “determine the identities of the unnamed ‘other residents.’” Here, the Appellant’s limiting parameters only allow KSP to guess at which records are responsive to his request. Such a request does not describe “records in definite, specific, and unequivocal terms.” 98-ORD-17.

Rather than denying the Appellant’s request, KSP identified one responsive record using the Appellant’s specific parameters—the years 2013, 2018, and 2020 and the Appellant’s name. Given the ambiguous nature of Appellant’s limiting parameters, KSP did not subvert the intent of the Act by only providing the records which the Appellant had precisely described.

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:

Howard Froelicher

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