



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-291

October 2, 2025

In re: Mady Goins/Lexington Police Department

Summary: To invoke the Office of the Attorney General's ("the Office") statutory authority to review an agency's response to a request submitted under the Open Records Act ("Act"), the requester must provide copies of both his or her original request and the agency's response.

Open Records Decision

On September 2, 2025, Mady Goins ("the Appellant") submitted a request to the Lexington Police Department (the "Department") seeking "a log of calls to service and 911 call recordings" regarding a specific address between August 27 and 31, 2025. The Appellant also requested body-worn camera footage of the "arrest and interview" of a named individual. In response, on September 9, 2025, the Department denied the request under KRS 61.878(1)(h), stating that release of the records could reveal "case details known only to those directly involved," taint "witness testimony and jury pools," cause difficulty "in locating cooperating witnesses" due to "fear of retaliation," implicate the "privacy concerns of the cooperating parties," and make it difficult to assess "the validity of new information." The Department also explained that the investigation is still in its early stages and that a preliminary hearing was set for September 26, 2025. This appeal followed.

On appeal, the Appellant states she "understand[s] the initial reasoning for withholding the record prior to court proceedings." Instead, she "request[s] that [the] call be released following the preliminary hearing scheduled for September 26." As such, the Appellant does not assert that that Department's September 9 denial violated the Act. Instead, she requests that the Office find the Department cannot continue to withhold the requested records following the conclusion of the preliminary hearing. This the Office cannot do.

In pursuing an administrative appeal, a party must strictly comply with the enabling statute. *See, e.g., Kenton Cnty. Bd. of Adjustment v. Meitzen*, 607 S.W.3d 586, 594 (Ky. 2020). Thus, when a person seeks this Office’s review under KRS 61.880, she must strictly comply with that statute. *See, e.g., 25-ORD-214; 22-ORD-078*. Under KRS 61.880(2)(a), “[i]f a complaining party wishes the Attorney General to review a public agency’s denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection.” An appeal that does not comply with KRS 61.880(2)(a) shall be dismissed. 40 KAR 1:030 § 1 (“The Attorney General shall not consider a complaint that fails to conform to . . . KRS 61.880(2), requiring the submission of a written request to the public agency and the public agency’s written denial, if the agency provided a denial.”).

Here, the Appellant has provided the Office with her September 2 request and the Department’s September 9 denial, thereby giving the Office jurisdiction to consider only that denial. But the Appellant does not challenge the Department’s September 9 denial. Instead, she seeks a decision regarding whether such a denial would comply with the Act following the September 26 preliminary hearing. But, based on the record before the Office, the Appellant did not request the record after the September 26 preliminary hearing, nor did the Department deny any such a request. Without having been provided a request for records after the September 26 preliminary hearing and a response denying access to those records, the Office lacks jurisdiction over the merits of such an appeal. Accordingly, the Office dismissed the Appellant’s appeal.

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:

Mady Goins

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