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25-ORD-303

October 3, 2025

In re: Bradley Blankenship/City of Fort Thomas

Summary: The City of Fort Thomas (“the City”) did not violate the Open Records Act (“the Act”) when it denied the Appellant’s requests on the basis of residency.

Open Records Decision

In January 2025, Bradley Blankenship (“the Appellant”) submitted a five-part request to the City for certain records related to a law enforcement investigation. The Appellant identified himself as a “news-gathering organization” as defined in KRS 189.635(9)(b). The Appellant listed a New York City apartment as his address. In response, the City denied the request because he, an individual, is not a “news-gathering organization” as defined in KRS 189.635(9)(b).¹

On July 11, 2025, the Appellant submitted a request seeking a copy of an interview of him by two City law enforcement officers. The Appellant identified himself as a resident of the Commonwealth because he resides in the Commonwealth. Though the Appellant listed a Lexington, Kentucky address on his request, he requested that the records be mailed to an international address. The City denied the Appellant’s request on the basis of residency, asserting he does not reside in the Commonwealth as evidenced by his January statement that he lived in New York City and his July request that any responsive records be mailed to an international address. This appeal followed.

“All public records shall be open for inspection by any *resident of the Commonwealth*,” and “[a]ny *resident of the Commonwealth* shall have the right to inspect public records.” KRS 61.872 (emphasis added). Because only a “resident of the Commonwealth” has the “right to inspect public records,” KRS 61.872(2)(a), a

¹ The City invited the Appellant to elaborate on how he qualified as a “news-gathering organization” if he felt the City’s denial was improper.

nonresident has no statutory right of inspection. Here, the Appellant argues in the alternative that he is a resident of the Commonwealth under KRS 61.870(10)(a) or (g). As used in the Act, the term “resident of the Commonwealth” includes a “news-gathering organization,” defined as follows:

- a. A newspaper or periodical if it:
 - i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year
 - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and
 - iii. Contains news of *general interest* to its readers that can include news stories, editorials, sports, weddings, births, and death notices;
- b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
- c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
- d. A website published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph; [and]
- e. An online-only newspaper or magazine that publishes news or opinion of interest to a *general audience* and is not affiliated with any entity described in subparagraph 2. of this paragraph[.]

KRS 189.635(9)(b)1. (emphasis added).² The Appellant asserts he qualifies as a news-gathering organization under KRS 189.635(9)(b)1.e.³ To qualify as a “news-gathering organization” under KRS 189.635(9)(b)1.e, the entity must: (1) be online-only; (2) be a newspaper or magazine; (3) publish news or opinion (4) that is of interest to a general audience; and (5) not be affiliated with any entity described in KRS 196.635(9)(b)2.

As evidence, the Appellant directs the Office to several different online platforms on which the Appellant purports to have published his “reporting.” Those

² Under KRS 61.870(10)(g), a “[r]esident of the Commonwealth” includes “[a] news-gathering organization as defined in KRS 189.635(9)(b)1.a. to e.”

³ The Appellant also asserts he qualifies as a “news-gathering organization” under KRS 189.635(9)(b)1.f., which defines the term to include “[a]ny other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group.” However, such entities are not included in the definition of “resident of the Commonwealth” *for purposes of the Act*, which includes only parts a. to e. of KRS 189.635(9)(b)1. *See* footnote 2, *supra*. As such, even if the Appellant is a “news-gathering organization,” under KRS 189.635(9)(b)1.f., that alone does not suffice to make him a resident of the Commonwealth under the Act.

include a Substack profile, an account on a social media platform, an opinion piece published on *Link NKY*, and a press release published on *Link NKY*.

The Office has previously held that an entity that is not a “newspaper or magazine” cannot qualify as a news-gathering organization under KRS 189.635(9)(b)1.e. *See, e.g.*, 25-ORD-119⁴; 25-ORD-141. The Act does not define newspaper or magazine. Under KRS 446.080(4) “[a]ll words and phrases” used in Kentucky statutes generally must be “construed according to the common and approved usage of language.” According to Merriam-Webster’s Dictionary, a newspaper is “a paper that is printed and distributed usually daily or weekly and that contains news, articles of opinion, features, and advertising,” and a magazine is a “print periodical containing miscellaneous pieces (such as articles, stories, poems) and often illustrated.”⁵

It is not at all apparent that a blog on Substack is a “newspaper or magazine” within the meaning of KRS 189.635(9)(b)1.e.⁶ And it is equally unclear that the Appellant publishes “news or opinion” that is “of interest to a general audience.”⁷ Accordingly, given the record before the Office, the Appellant does not appear to be a “news-gathering organization” within the meaning of KRS 189.635(9)(b)1.e. Accordingly, the City did not violate the Act when it denied his January 2025 request on the basis of residency.

Regarding the Appellant’s July 11, 2025, request, the City maintains that it properly denied the Appellant’s request on the basis of residency. Under KRS 61.870(10)(a), a “resident of the Commonwealth” includes an “individual residing in the Commonwealth.” In this submission, the Appellant stated he qualifies as a resident of the Commonwealth because he resides in Kentucky and has provided a Kentucky address. In support of its denial, the City directs the Office to the Appellant’s previous listing of a New York address and the Appellant’s current request that any records requested be mailed to an international address rather than the stated Kentucky address. Indeed, shortly after the City issued its denial of the July 11 request, the Appellant stated he is “currently residing abroad.” Given that admission, the Office concludes that the City also did not violate the Act when it denied the Appellant’s July 11 request on the basis of residency.

⁴ 25-ORD-119 is the subject of a pending appeal to the Jefferson Circuit Court.

⁵ The Office often refers to Merriam-Webster’s Dictionary to determine the common meaning of words not defined by the Act. *See, e.g.*, 20-ORD-061; 08-ORD-140

⁶ Similarly, social media accounts, a single opinion piece, and a published press release do not turn the Appellant into a “newspaper or magazine.”

⁷ The profile the Appellant directed the Office to lists “55 subscribers.” It is doubtful that such a number constitutes a “general audience.”

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
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