



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-374

November 24, 2025

In re: Daniel Woodie/Georgetown-Scott County Emergency Management Agency

Summary: The Georgetown-Scott County Emergency Management Agency (“the Agency”) violated the Open Records Act (“the Act”) when it failed to timely respond to the Appellant’s request in writing.

Open Records Decision

On January 19, 2025, Daniel Woodie (“Appellant”) submitted a 12-part request to the Agency for several categories of records related to a specific individual. On October 24, 2025, having received no response from the Agency, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify *in writing* the person making the request, within the five (5) day period, of its decision” (emphasis added). On appeal, the Agency states that it called and left a voicemail with the Appellant informing him that it does not possess records responsive to his request.¹ However, the Agency does not claim that it ever responded to the Appellant’s request *in writing*. The Act does not prohibit speaking with a requester about his or her request for records, but such a conversation does not relieve the agency of its obligation under KRS 61.880(1) to respond to the request in writing. Accordingly, the Agency violated the Act when it failed to timely respond to the Appellant’s request in writing.²

¹ The Agency also states that it subsequently identified responsive records, which it provided to the Appellant.

² The Agency also argues that the Appellant misdirected his request to an individual who is not its custodian of records. However, the Act requires that, “[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Daniel Woodie
Michael Hennigan

applicant and shall furnish the name and location of the official custodian of the agency's public records." KRS 61.872(4). Thus, if the Appellant directed his request to an individual who is not the custodian of records, that individual should have either informed the Appellant of the proper person to whom the request should be directed, or forwarded the request to the Agency's records custodian.