



COMMONWEALTH OF KENTUCKY  
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25-ORD-397

December 10, 2025

In re: Daniel Woodie/Bellevue Police Department

**Summary:** The Bellevue Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when it denied the Appellant’s request on the basis of residency.

***Open Records Decision***

On October 30, 2025, Daniel Woodie (“Appellant”) submitted a request to the Department seeking the personnel file of a former officer, all records related to a specific individual’s participation in a certain program, and records of “any criminal activity” related to two specific individuals and one address. The Appellant stated that he is a resident of the Commonwealth as defined in KRS 61.870(10)(d) and further explained that he has a workplace in Kentucky. In response, the Department denied the Appellant’s request, stating he does not meet the Act’s residency requirements. On November 7, 2025, the Appellant appealed.

On December 1, 2025, the Appellant submitted a request to the Department seeking another officer’s personnel file, records documenting all records requests the Department has received since 2023 and its responses to those requests, records documenting any training the agency had undergone related to the Act, communications related to the Appellant’s October 30 request, and communications between the Department and three named individuals and a different county agency. The Department also denied this request on the basis of residency. On December 2, 2025, the Appellant appealed this denial.<sup>1</sup>

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<sup>1</sup> Because both appeals arose out of denials based on the Appellant’s residency status, the Office has consolidated these two appeals. *See, e.g.*, 22-ORD-167.

Under the Act, “[a]ll 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 nonresident has no statutory right of inspection.

In 25-ORD-156, the Office found that the Appellant is not a resident of the Commonwealth under either KRS 61.870(10)(a) or (d). KRS 61.870(10)(a) includes as a resident of the Commonwealth “[a]n individual residing in the Commonwealth.” KRS 61.8710(10)(d) includes as a resident of the Commonwealth “[a]n individual that is employed and works at a location or locations within the Commonwealth.” In 25-ORD-156, the agency had directed the Office’s attention to the Appellant’s sworn testimony in which he stated he “work[s] from home” at a location outside Kentucky. Based on that sworn testimony, the Office held that the Appellant was not a resident of the Commonwealth, as defined under either KRS 61.870(10)(a) or (d). The Appellant did not appeal the Office’s decision in 25-ORD-156.<sup>2</sup>

In the present appeal, the Office invited both parties to explain why the Office should or should not adhere to its precedent.<sup>3</sup> The Department stated that the Appellant does not live or work in Kentucky. The Appellant argues that 25-ORD-156 was incorrectly decided and provides letters from his employer regarding his work location. One letter referred to the Appellant as “a permanent teleworker living in” a location not in Kentucky. The other letter stated that “his work is primarily remote” but “he reports to” a worksite located in Kentucky on an “as needed” basis.

In 25-ORD-156, the Office explained that doing work on an “as needed” basis is not sufficient to qualify as a resident of the Commonwealth under KRS 61.870(10)(d). This is because doing work on an “as needed” basis leaves open the possibility that the work in Kentucky might not ever again be “needed.” This type of statement states only a belief that his work will occur at a location in Kentucky “at some anticipated or hypothetical time in the future” and fails to demonstrate how the requester fits the definition of resident of the Commonwealth at the time his request is made.

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<sup>2</sup> Under KRS 61.880(5)(a), the parties to an appeal may appeal the Office’s decisions within 30 days of its issuance. A decision that is not appealed in that time “shall have the force and effect of law.” KRS 61.880(5)(b). Although, the Appellant has explained why he chose not to appeal 25-ORD-156, that decision remains final with “the force and effect of law.”

<sup>3</sup> As previously explained, 25-ORD-156 is final. The Office’s inquiry sought to determine whether the circumstances described in 25-ORD-156 remain unchanged.

Elsewhere, the Appellant refers to a Kentucky post office box he uses as evidence that he resides in Kentucky, and therefore, qualifies as a resident under KRS 61.870(10)(a). This does not rebut the sworn testimony the Office considered in 25-ORD-156, in which the Appellant himself identified his “work from home” location as a residence not in Kentucky. Use of a post office box does not mean that an individual resides in the Commonwealth.<sup>4</sup>

As such, nothing in the record before the Office compels it to ignore its previous holding in 25-ORD-156. Thus, the Appellant is not a resident of the Commonwealth. Therefore, the Appellant has no statutory right of inspection, and thus, the Department’s response could not violate the Act.

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:

Dan Woodie  
Jonathan McClain  
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<sup>4</sup> In 22-ORD-120, the Office found that an agency violated the Act when it demanded proof of a requester’s residency status. The requester had stated that he works at a location within the Commonwealth and provided a post office box address in response to the agency’s demand for proof. The Office held that the requester had provided the required statements of residence and the agency’s demand for proof violated the Act. The Office did not find that the use of a post office box alone establishes that a requester is a resident of the Commonwealth.