



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-420

December 23, 2025

In re: Casey Dowden/Tri-County Community Action Agency

Summary: The Office cannot find that the Tri-County Community Action Agency ("TCCAA") violated the Open Records Act ("the Act") because the Office cannot find that it is a "public agency" subject to the Act.

Open Records Decision

On November 17, 2025, Casey Dowden ("Appellant") submitted a request to TCCAA for copies of its bylaws, board minutes, general operating budget, and certain "allocations" made to it. In response, TCCAA stated that it is not a public agency subject to the Act and denied the request. This appeal followed.

"Each public agency, upon any request for records made under [the Act], 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." KRS 61.880(1) (emphasis added). Here, the Appellant claims TCCAA violated the Act by denying her request on the basis that it is not subject to the Act. However, an entity is only subject to the Act if it is a "public agency," as defined by KRS 61.870(1).

A private entity, such as TCCAA,¹ is only a "public agency" subject to the Act if it is a "body which, within any fiscal year, derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds." KRS 61.870(1)(h). The requester carries the burden to make a prima facie case that, in the fiscal year covering the scope of his or her request, at least 25%

¹ In Kentucky, community action agencies are governed by KRS Chapter 273, which applies to nonprofit corporations. A "community action agency" is defined as "a corporation organized for the purpose of alleviating poverty within a community or area by developing employment opportunities; by bettering the conditions under which people live, learn, and work; and by conducting, administering, and coordinating similar programs." KRS 273.410(2); *see also* KRS 273.435(2)(b) (permitting a "private nonprofit corporation" to be designated as a community action agency).

of the funds the entity expended in Kentucky were from state or local funds. *See, e.g.*, 24-ORD-166; 23-ORD-070; 21-ORD-173. Here, the Appellant did not attempt to make such a *prima facie* case. Moreover, TCCAA has provided copies of its financial records on appeal and explained that state and local funding only makes up 21.5% of its funding. Thus, the Office cannot find that TCCAA is a public agency subject to the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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
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Distributed to:

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