



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-421

December 23, 2025

In re: William Bolt/Harlan City Police Department

Summary: The Harlan City Police Department (“the Department”) did not violate the Open Records Act (“the Act”) when the requester did not state how he qualified as resident of the Commonwealth.

Open Records Decision

On October 30, 2025, William Bolt (“Appellant”) submitted a request to the Department seeking records related to an interaction between the Appellant and the Department. The Appellant’s request did not include a statement of residency, and the Appellant described himself as a “non-citizen national.” In a timely response, the Department denied the request, stating that the Appellant’s request “does not meet the criteria laid out in KRS.” This appeal followed.

Under KRS 61.880(1), “[a]n agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” Here, the Department stated only that the Appellant’s “request does not meet the criteria laid out in KRS.” The Department did not explain the how the Appellant’s request did not comply with the Act or the specific provision in the Act with which he did not comply. As such, the Department’s initial response did not comply with the Act.

On appeal, the Department explains that KRS 61.872(2)(a) is the basis for its denial of the request. Under KRS 61.872(2)(a), only a “resident of the Commonwealth” has the right to inspect public records. Further, “[t]he official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).” *Id.* “Resident of the Commonwealth” is defined for purposes of the Act as:

- (a) An individual residing in the Commonwealth;
- (b) A domestic business entity with a location in the Commonwealth;
- (c) A foreign business entity registered with the Secretary of State;
- (d) An individual that is employed and works at a location or locations within the Commonwealth;
- (e) An individual or business entity that owns real property within the Commonwealth;
- (f) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in paragraphs (a) to (e) of this subsection; or
- (g) A news-gathering organization as defined in KRS 189.635(9)(b)1. a. to e.

KRS 61.870(10). Here, the Appellant did not provide a written statement of how he qualifies as a resident of the Commonwealth.¹ Accordingly, the Department did not violate the Act when it denied the Appellant's request.

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:

William Bolt
Winston H. Yeary Jr.
Scott Lisenbee

¹ It is not apparent from the face of his request how any provision of KRS 61.870(10) applies to the Appellant. Moreover, the Appellant's request to the Department was mailed from an address not located in Kentucky.