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26-ORD-008

January 13, 2026

In re: Daniel Woodie/Bellevue Police Department

Summary: The Bellevue Police Department ("the Department") violated the Open Records Act ("the Act") when it denied a request for public records on the basis of residency, when the requester stated the manner in which he qualified as a resident of the Commonwealth under KRS 61.870(10). Additionally, the Department did not meet its burden of proof that it properly denied the request as "too broad."

Open Records Decision

On December 16, 2024, Daniel Woodie ("the Appellant") submitted a request to the Department for the personnel files of the police chief and a former officer; "records related to [an individual's] participation in the VIPS program"; "records of any criminal activity and/or arrests related to" two individuals and an address within certain time periods; "[r]ecords of all Open Records Requests" received by the Department since 2023; "[a]ll records/communications with anyone regarding the denial of [the Appellant's] ORR dated 10/30/2025"; and "[a]ny communications between [the Department] and [certain persons] from 2023-present, including on personal devices." The Appellant stated he "qualif[ied] as a resident of Kentucky under KRS 61.870(10)(a), (c), and (f)" and attached a document signed by a resident of Florence, Kentucky, who stated she had "authorized [the Appellant] to request responsive records on [her] behalf under the Kentucky Open Records Act in accordance with KRS 61.870(10)(f)."

In a timely response, the Department denied the request on the grounds that the Appellant was "not a Kentucky resident," "many of [his] requests are too broad," and "the [Act] does not allow for [the Appellant] to act on someone's behalf." This appeal followed.

Under KRS 61.872(2)(a), "[a]ny resident of the Commonwealth shall have the right to inspect public records." A public agency "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 in KRS 61.870(10) as follows:

(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.

Any one of these subsections is sufficient to qualify a requester as a resident of the Commonwealth for purposes of the Act. *See* 24-ORD-224.

On appeal, the Appellant claims he is a resident under KRS 61.870(10)(f) because he "has been authorized to act on behalf of an individual" who is a resident of the Commonwealth under KRS 61.870(10)(a). In response, the Department alleges the Appellant is merely "using [the other individual's] status as a Kentucky resident in order to obtain the records in [*sic*] which he seeks for himself," and the request "mirror[s] the record requests made by [the Appellant] in all his past, unsuccessful open records requests." Because the Appellant allegedly "is not doing the leg work on the behalf of [the Kentucky resident] to obtain the records solely for her," the Department claims he is "wrongly attempting to manipulate the rules to obtain that [to] which he is not entitled."

A "public agency is not required to simply accept a statement of residency that it knows to be false." 25-ORD-156. However, "the burden is on the agency to make a *prima facie* case that the requester is not a resident of the Commonwealth." *Id.* Here, the Department does not dispute that a resident of the Commonwealth has in fact authorized the Appellant to request records on her behalf under the Act. Instead, it argues that the Appellant is not *subjectively* requesting the records as an agent for the resident, but rather, is acting for himself. However, the language of KRS 61.870(10)(f) contains no exception for the type of situation described by the Department. Nor, for that matter, does the statute require the "authorization" to identify specific records or limit itself to persons acting in certain formal capacities, such as an attorney or power of attorney. Rather, any person who "has been authorized to act on behalf of" a resident of the Commonwealth is treated as a resident under the Act. "[W]here a statute on its face is intelligible, [we] are not at

liberty to supply words or insert something or make additions which amount, as sometimes stated, to providing for a *casus omissus,* or cure an omission, however just or desirable it might be to supply an omitted provision." *Hatchett v City of Glasgow,* 340 S.W.2d 248, 251 (Ky. 1960). Moreover, "[e]ven if the language of the statute is not abundantly clear, [the] analysis of legislative intent must refer to 'the words used in enacting the statute rather than surmising what may have been intended but was not expressed.'" *Mohammad v. Commonwealth,* 202 S.W.3d 589, 590 (Ky. 2006) (quoting *Commonwealth v. Allen,* 980 S.W.2d 278, 280 (Ky. 1998)). Because KRS 61.870(10)(f) does not inquire into the subjective intent of the requester, that inquiry is not relevant in applying the statute. Therefore, the Department violated the Act when it denied the Appellant's request on the basis of residency.

The Department does not elaborate on its contention that "many of [the Appellant's] requests are too broad." When a public agency denies inspection of public records, it must "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." KRS 61.880(1). The agency must "provide particular and detailed information," not merely a "limited and perfunctory response." *Edmondson v. Alig,* 926 S.W.2d 856, 858 (Ky. 1996). "The agency's explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it." *Ky. New Era, Inc. v. City of Hopkinsville,* 415 S.W.3d 76, 81 (Ky. 2013). Here, the Department's response was "limited and perfunctory" because it did not explain which portions of the Appellant's request it considered "too broad," nor did it articulate its legal basis for that contention. Furthermore, in an open records appeal, "[t]he burden of proof in sustaining the action shall rest with the agency." KRS 61.880(2)(c). As the Department has not met its burden of proof that it properly denied the Appellant's request as "too broad," the Department violated 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/ James M. Herrick
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Distributed to:

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