



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-031

January 28, 2026

In re: Daniel Woodie/Kenton County Clerk's Office

Summary: The Kenton County Clerk's Office ("the Agency") did not violate the Open Records Act ("the Act") when it denied a request for public records because the requester is not a resident of the Commonwealth.

Open Records Decision

This appeal concerns requests for public records submitted to the Agency by Daniel Woodie ("the Appellant") on December 31, 2025, and January 1, 2026. In both requests, the Appellant claimed he was a resident of the Commonwealth under KRS 61.878(10)(a), (d), 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 Agency denied the requests on the grounds that the Appellant's claims of residency were false. 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.

However, a “public agency is not required to simply accept a statement of residency that it knows to be false.” 25-ORD-156. The Office has previously found that the Appellant is not a resident of the Commonwealth under KRS 61.878(10)(a) because he “works from home’ at a location outside Kentucky” and merely uses a post office box in Kentucky. *Id.* Further, in 25-ORD-397, the Office found that the Appellant is not a resident of the Commonwealth under KRS 61.870(10)(d) on the basis of letters from his employer, which “referred to the Appellant as ‘a permanent teleworker living in’ a location not in Kentucky [and] stated that ‘his work is primarily remote’ but ‘he reports to’ a worksite located in Kentucky on an ‘as needed’ basis.” Here, nothing in the record on appeal indicates that those circumstances have changed. However, it is the Agency’s burden “to make a *prima facie* case that the [Appellant] is not a resident of the Commonwealth” under KRS 61.870(10)(f). 25-ORD-156.

When a requester claims to be a resident based on an authorization from another person or entity, the agency may require proof of that authorization. *See* 24-ORD-034. In this case, the Appellant’s claim of residency under KRS 61.870(10)(f) is based on an undated statement from Florence City Councilwoman Angie Cable authorizing him to request records on her behalf under the Act. In 26-ORD-008, the Office found this written authorization was sufficient to establish the Appellant’s residency under KRS 61.870(10)(f). Here, however, the Agency provides a letter from Ms. Cable dated January 23, 2026, in which she states, “I am rescinding any open records requests I have requested on behalf of myself (Angie Cable) and/or Daniel Woodie.” Additionally, the Agency provides an email exchange with the Kenton County Attorney’s Office on January 23, 2026, in which Ms. Cable affirms that she has made “a universal revocation of all authority for all outstanding requests to all governmental agencies, and all authority for [the Appellant] to appeal all agencies’ denials of his record requests made on [her] behalf.”¹

Although the written authorization originally submitted by the Appellant in 26-ORD-008 was sufficient to confer residency status on the Appellant under KRS

¹ The Agency also provides a recording of a telephone conversation with the Kenton County Attorney’s Office on January 23, 2026, in which Ms. Cable similarly affirms that she has revoked the Appellant’s authority to request records on her behalf.

61.870(10)(f), that authorization has subsequently been revoked. The Appellant cannot claim to be a resident of the Commonwealth on the basis of a revoked authorization. Thus, the Agency has met its burden of proof that the Appellant is not a resident of the Commonwealth under KRS 61.870(10)(f). Accordingly, the Agency did not violate the Act in denying the Appellant's request.

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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