



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-033

February 2, 2026

In re: Daniel Woodie/Kenton County

Summary: Kenton County (“the County”) did not violate the Open Records Act (“the Act”) when it denied eight requests for public records because the requester is not a resident of the Commonwealth.

Open Records Decision

On December 18, 2025, Daniel Woodie (“the Appellant”) submitted eight requests for records to the County, claiming he was a resident of the Commonwealth under KRS 61.878(10)(a), (d), and (f). The Appellant 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.* The Act defines “resident of the Commonwealth” in KRS 61.870(10) 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.

The requester need only qualify as a resident of the Commonwealth under any one of these paragraphs 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 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 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.” Moreover, it is a matter of record that the Kentucky resident who purportedly authorized the Appellant to request records on her behalf has subsequently revoked that authorization, meaning the Appellant does not qualify as a resident of the Commonwealth under KRS 61.870(10)(f). *See* 26-ORD-031. Here, nothing in the record on appeal indicates that any of the Appellant’s circumstances have changed. Accordingly, the County did not violate the Act when it denied the Appellant’s requests.

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
James M. Herrick
Assistant Attorney General

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Distributed to:

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