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26-ORD-058

February 20, 2026

In re: Tanyqua Oliver/Fayette County Public Schools

Summary: The Fayette County Public Schools (“FCPS”) did not violate the Open Records Act (“the Act”) in denying a request because the requester did not comply with KRS 61.872(2) by including a statement of the manner in which she is a “Resident of the Commonwealth” under KRS 61.870(10)(a) – (f).

Open Records Decision

On January 16, 2026, Tanyqua Oliver (“the Appellant”) submitted a request to the FCPS for “a record of all payments sent to Sturgill Turner and Reed for their representation during the open meetings appeal noted as 25-OMD-020 with special regard to the letter sent on the behalf of FCPS on 1/17/2025 by Leigh Reed.”¹ She provided a Post Office Box in Cincinnati, Ohio, as her mailing address. In a timely response under KRS 61.880(1), FCPS stated, “Pursuant to KRS 61.872, only Kentucky residents have the right to inspect records. Therefore, your request is denied.” In response, the Appellant stated that she has “dual residency” and that she “never told” the FCPS that she was not a resident. She then initiated this appeal.

On appeal, the Appellant states she “never told FCPS” that she was not “a Kentucky Resident because I do have several homes in Lexington [that] I can bounce around to at anytime I choose while I build [a] home in another state[,] and I appeal their decision.” The Appellant further noted, “Lexington Ky will forever be my home[.]”

¹ The Appellant subsequently amended her January 16 request by e-mail dated January 17, noting she was incorrect regarding the identity of the author of the letter sent on behalf of FCPS. She also requested that FCPS update her request “accordingly as I realize that it was the following individuals that signed the letter for Sturgill Turner Barker & Maloney PLLC dated 1/17/2025 on the behalf of FCPS for Open Meetings Appeal 25-OMD-020:

Joshua M. Salsburey

Carmine G. Iaccarino.”

In the portion of her January 17 email directed to the Office, the Appellant further stated, “I’m running for Congress in Ohio.”

and I didn't see any [Kentucky] statute that required me to expose any temporary residential address on a request. The address in my signature is obviously not a residence, it is a PO Box." Quoting KRS 61.872(2)(a), FCPS emphasizes on appeal that the Appellant provided only an Ohio address in her request; she did not provide any statement indicating that she was a resident of the Commonwealth. Rather, the Appellant sent an email to the FCPS Records Custodian and the Office on January 17, 2026, stating, "*I'm running for Congress in Ohio* and yall lil [sic] demons will not be in my way with your lies" (emphasis added). FCPS argues, "Only state residents may run for public office of the state they live in. The [Appellant's] statement implied [she was a resident] of Ohio." At no point did the Appellant provide a statement of residency or advise that she was a resident of Kentucky.² Nevertheless, on February 4, FCPS supplemented its original response and provided the Appellant with 20 pages of responsive records it possessed with redactions of "[c]onfidential communications between district officials and legal counsel [made] to facilitate the provision of legal services for the district" under KRE 503, incorporated into the Act by KRS 61.878(1)(l), "because they are communications subject to attorney-client privilege."³

Under KRS 61.872(2), "[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)." KRS 61.872(2)(a) (emphasis added). "Resident of the Commonwealth" is defined, in turn, 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; [or]
- (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[.]

KRS 61.870(10).

² On January 27, the Appellant supplemented her arguments on appeal, stating, "Last, I'd like to add that I; Tanyqua Oliver am a resident per KRS 61.870(10) (a,b,d,g)" and "I am additionally a vlogger per KRS 189.635(9)(b)[.]" The record on appeal confirms that the Appellant did not make any of these claims in her request to FCPS.

³ Because the Appellant initiated this appeal prior to receiving any records from the FCPS, based solely on its denial of her request pursuant to KRS 61.872(2)(a), any issues regarding the redactions that FCPS ultimately made prior to releasing the records that she requested are not ripe for review and will not be addressed.

Significantly, KRS 61.872(2)(a) permits a public agency to require a statement of residency “in the written application.” 25-ORD-010 (holding that a public agency did not violate the Act by denying a request because it lacked a statement explaining the manner in which the requester was a “resident” under KRS 61.870(10) and noting that a requester “does not meet his obligation under KRS 61.872(2)(a) by belatedly providing a statement of residency”). The Office has recognized the Act permits a public agency “to require a statement, *at the time of the request*, as to ‘the manner in which the requester is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).’” 26-ORD-032 (emphasis in original). KRS 61.876(4)(e)2. This requirement is not satisfied merely because the requester has made a statement of residency in a previous application, regardless of whether the previous request may be part of the same email chain.⁴ See 25-ORD-116. Nor does the fact a public agency has not previously imposed this requirement alter the relevant legal analysis. Because KRS 61.872(2)(a) authorizes the records custodian of a public agency to require a statement of residency from the requester, the FCPS 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/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

Tanyqua Oliver, Appellant
Andria Jackson, Executive Assistant to the Superintendent, FCPS
Demetrus Liggins, Superintendent, FCPS
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⁴ An email chain could conceivably span a period of many months or years, during which time an individual’s residency status might change. See, e.g., 25-ORD-081; 25-ORD-116.