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26-ORD-216

May 15, 2026

In re: Daniel Woodie/Park Hills Police Department & City of Park Hills

Summary: The Park Hills Police Department ("the Department") and the City of Park Hills ("the City") violated the Open Records Act ("the Act") when they denied the Appellant's request on the basis of residency. The Department and City violated the Act when denying the Appellants requests under KRS 61.872(6). And the Department violated the Act when it required the use of a particular form.

Open Records Decision

This appeal concerns three requests Daniel Woodie ("Appellant") submitted to the Department and to the City (collectively, "the Agencies").[1]

On February 4, 2026, Daniel Woodie ("Appellant") submitted a request to the Department seeking 13 categories of records related to a particular Department employee. That same day, the Appellant submitted a request to the City seeking (1) records showing "legal expenses incurred by" the City between 2021 and the date of the request and (2) records dated between 2020 and the date of the request related to "litigation pertaining to the BOA and The Missionaries of Saint John the Baptist, Inc. v. Frederick."

In a joint response to the Appellant's requests, the Agencies denied them, stating the Appellant is not a resident of the Commonwealth. The Agencies further stated that the requests posed an unreasonable burden under KRS 61.872(6) because the Appellant had requested "voluminous records" from "an estimated" five-year

[1] The Appellant submitted both requests to the City Clerk, who is the records custodian for the Agencies. Because the Appellant submitted appeals regarding each agency simultaneously, and because the Agencies responded collectively to some of the Appellant's requests, the Office will address the collective actions of the Agencies in a single decision.

period. Finally, the Agencies asserted that the Appellant's requests "amount to nothing more than harassment."

On March 5, 2026, the Appellant submitted a request to the Department seeking any records involving seven individuals[2] dated between January 1, 2026, and the date of the request. In response, the Department stated, "You didn't follow the proper request protocol for your request and you are not a resident of [Kentucky]." The Appellant then asked if the Department was denying his request. In response, the Department stated, "Forms are on our website and you are not a resident in [Kentucky]."

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.

[2] The Office notes that one of the individuals identified in the Appellant's request currently has an interpersonal protective order ("IPO") in force against the Appellant. *See Woodie v. Hull*, No. 2025-CA-0376, 2026 WL 1041479, at *2 (Ky. App. Apr. 17, 2026). The Kenton Family Court found that Woodie had harassed that individual and had "created an implicit threat of physical harm" to her. *Id.* The Family Court's order granting the IPO was affirmed by the Kentucky Court of Appeals. *Id.* at *9. KRS 61.878(1)(a) exempts from disclosure "[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." KRS 61.878(1)(a) has not been invoked in this appeal, and so the Office makes no finding regarding whether it is applicable to the records requested by the Appellant. However, the Office notes that, generally speaking, it is possible a request seeking information about an individual who has an IPO against the requester could constitute "a clearly unwarranted invasion of personal privacy."

A requester need only qualify under one of these paragraphs to be considered a resident of the Commonwealth under the Act. *See* 24-ORD-224.

When the Appellant submitted each of his requests, he provided a statement, dated February 13, 2026, from an individual who stated she is a resident of the Commonwealth under KRS 61.870(10)(a) and authorized the Appellant to request records on her behalf. The Office has previously found that such a statement is sufficient to establish the Appellant is a resident of the Commonwealth under KRS 61.870(10)(f). *See* 26-ORD-008. The Agencies have not provided any reason for the Office to depart from that holding. Therefore, the Agencies violated the Act when they denied the Appellant's requests on the basis of residency.

Regarding the Appellant's February 4 requests, the Agencies also stated they amounted to an unreasonable burden under KRS 61.872(6) because the Appellant had requested "voluminous records" from "an estimated" five-year period. KRS 61.872(6) contains two separate but interrelated grounds to deny a request. The more commonly asserted of the two grounds applies when "the application places an unreasonable burden in producing records." *Id*. This portion of KRS 61.872(6) is specific to the request if it alone places an unreasonable burden on the agency. In making such a determination, the Office considers the number of records the request implicates, whether the records are in a physical or electronic format, and whether the records contain exempt material requiring redaction. *See, e.g.*, 97 ORD-088 (a request implicating thousands of physical files stored in several locations throughout the state and each file needed to be reviewed for redactions pursuant to state and federal law was unreasonably burdensome). An agency may also establish an unreasonable burden if it does not catalog its records in such a manner that they can be searched using a keyword. *See, e.g.*, 96-ORD-042 (unreasonable burden found where the agency thousands of files needed to be reviewed to determine if the records were responsive to the keywords in the request).

Regarding the burden imposed by the request, the Agencies stated only that the Appellant had requested "voluminous records" from a five-year period. Although the number of records at issue is not the only factor the Office considers, it is the most important one. *See, e.g.*, 22-ORD-182. Here, the Agencies neither stated nor estimated the number of records implicated by the February 4 requests, nor have they described the exemptions that might necessitate extensive review of the request. The agency must provide clear and convincing evidence, which requires it to search for records in the first instance to quantify, or in good faith estimate, the number of potentially responsive records. *See, e.g.*, 23-ORD-024. The Agencies have not done so

here and, therefore, have not established that the February 4 requests placed an unreasonable burden on them.

The Agencies also asserted that the Appellant's requests "amount to nothing more than harassment." The Office interprets this denial as an assertion that the Appellant intends to disrupt the Agencies' other essential functions, which is the second basis on which an agency may invoke KRS 61.872(6). To determine whether a request is "intended" to disrupt the essential functions of an agency, the Office considers different factors than those described above. This exemption requires the agency to provide evidence of factors separate from the request itself, because the official custodian must have "reason to believe" the requester's "intent" is not to inspect the records, but to cause disruption to the agency. *Id.* Instead of considering the number of records implicated, the Office will consider the number of requests the requester has made close in time to each other. More requests made over a shorter time may constitute some evidence of an intent to disrupt, but standing alone, it is not clear and convincing evidence of disruptive intent. *See, e.g.*, 15-ORD-015; 96-ORD-193.

The agency must also provide other evidence to support its belief as to the requester's intent, such as proof the requester has failed to retrieve or pay for copies of records, or statements from the requester indicating malicious intent. For example, in 15-ORD-015, the requester offered to stop making requests for records in exchange for money. Evidence a requester stated he intends to disrupt an agency's functions because of some other grievance with the agency would also constitute appropriate evidence to support denial under KRS 61.872(6).

As support for their denials, the Agencies refer to the large number of appeals brought by the Appellant and a statement he made in which he threatened to appeal denials of his requests to this Office. However, the Office has previously found the fact that a requester "has been a critic of" a public agency, 05-ORD-152, or pursues legal action against the agency, *see* OAG 89-79, is not clear and convincing evidence of an intent to disrupt the agency's essential functions. *See also* 25-ORD-404 (finding the requesters initiation of legal proceedings before other Kentucky administrative agencies did not, standing alone, constitute evidence of an intent to disrupt the agency's essential functions).

The Agencies do not point to any other evidence supporting a disruptive intent by the Appellant. Accordingly, the Agencies have not provided clear and convincing evidence to support their denials under KRS 61.872(6).

Finally, regarding the Appellant's March 5 request, the Agencies also denied it on that basis that the Appellant had not used the correct "protocol" or "form." Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency "shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision." Further, under KRS 61.872(2)(c), "[a] public agency shall not require the use of any particular form for the submission of an open records request." The Office has also found that a public agency misdirects requesters, within the meaning of KRS 61.880(4), when the agency requires the use of a particular online form to submit requests under the Act. *See, e.g.*, 22-ORD-167.

Here, the Agencies required the Appellant to use the forms on its website before it would fulfill his request for records. An agency may not deny a request on this basis. Therefore, the Agencies subverted the Act, within the meaning of KRS 61.880(4), when they erroneously required the Appellant to use a particular form, contrary to KRS 61.872(2)(c).[3]

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

[3] The Appellant separately complains that two City officials called the police on him. He asserts that this call amounted to a violation of his First Amendment right and a violation of the Act. First, a decision of the Office is limited to adjudicating alleged violations of the Act. *See* KRS 61.880(2)(a). Therefore, the Office cannot to consider the Appellant's constitutional claim. Second, it is not apparent from the Appellant's appeal how the City officials' call to the Department could violate the Act.

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Distributed to:

Daniel Woodie, Appellant
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