



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-217

May 15, 2026

In re: Daniel Woodie/Park Hills Police Department Chief of Police

Summary: The Park Hills Police Department Chief of Police (“the Chief of Police”) violated the Open Records Act (“the Act”) when he did not timely grant or deny the Appellant’s request and when he denied the request on the basis of residency.

Open Records Decision

On April 4, 2026, Daniel Woodie (“Appellant”) submitted a records request seeking “records of any kind” in which he is “named or referenced, directly or indirectly.” The Appellant did not direct his request to the Police Department. Rather, the Appellant sent his request directly to the Department’s Chief of Police and stated that it is “directed to you, yourself, a Public Agency as defined in KRS 61.870(1)(a).” The Chief of Police confirmed receipt of the request on April 9, 2026, and stated that he is “waiting for legal to get back with” him before responding. On April 16, 2026, having received no further response from the Chief of Police, the Appellant initiated this appeal.

“Each *public agency*, upon any request for records made under [the Act], 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.” KRS 61.880(1) (emphasis added). Here, the Appellant claims the Chief of Police violated the Act because he did not grant or deny his request in writing or provide him with the requested records. However, an entity is only subject to the Act if it is a “public agency,” as defined by KRS 61.870(1).

Included in the definition of Public Agency is “[e]very state or local government officer.” KRS 61.870(1)(a). “[R]egular employees and volunteers that serve an agency

do not qualify as state [or local] officers.” *Kentucky Dep’t of Fish and Wildlife Res. Comm’n v. Kentucky Open Gov’t Coal.*, 2023-SC-0524, 2026 WL 1108344 at *4 (Ky. Apr. 23, 2026). However, under KRS 83A.080(1), cities may establish “nonelected city offices [which] shall be created by ordinance.” The City of Park Hills has created the office of Chief of Police. *See* Park Hills Ordinance § 30.040. Thus, the Chief of Police holds a “city office[]” under KRS 83A.080(1), and so is a “local government officer” within the meaning of KRS 61.870(1)(a). The Chief of Police is therefore subject to the Act.¹

On appeal, the Chief of Police states that the Appellant is not a resident of the Commonwealth. 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.* As is relevant here, a resident of the Commonwealth includes “[a]ny 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)(f).

When the Appellant submitted his request, 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 Chief of Police has not provided any reason for the Office to depart from that holding. Therefore, the Chief of Police violated the Act when he denied the Appellant’s request on the basis of residency.²

The Chief of Police received the Appellant’s request on April 6, 2026.³ Although he acknowledged receipt on April 9, he did not either grant or deny the request within

¹ Not every police officer holds a “city office[]” under KRS 83A.080(1). *See* OAG 21-04, 2021 WL 1741087 (Apr. 21, 2021); *see also* OAG 24-09, 2024 WL 4574804 (Oct. 8, 2024). This decision therefore should not be read so broadly as to subject every rank-and-file police officer to the requirements of the Act.

² After this appeal was initiated, the Chief of Police stated that he would provide records to the Appellant. The parties disagreed regarding whether the records could be provided in paper or electronic format. Ultimately, the only issue before the Office is the Chief of Police’s response to the Appellant’s original request.

³ The Appellant submitted his request on a Saturday, meaning it was not received until the following Monday, April 6, 2026. *See* KRS 61.880(1) (requiring public Agencies to respond to a request within five days, “excepting Saturdays, Sundays, and legal holidays”).

five business days. As such, the Chief of Police violated the Act when he did not timely respond to the Appellant's request.⁴

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

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Distributed to:

Daniel Woodie, Appellant
Cody Stanley, Chief of Police
Kathy Zembrodt, Mayor
Julie Alig, City Clerk
Daniel R. Braun, City Attorney

⁴ The Appellant complains that another Park Hills city official responded on behalf of the Chief of Police. However, a "response shall be issued by the official custodian or *under his or her authority*." KRS 61.880(1) (emphasis added). As such, the Chief of Police's response could be submitted by other city officials on his behalf.