



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-252

June 2, 2026

In re: Daniel Woodie/Kenton County Clerk

Summary: The Office cannot find that the Kenton County Clerk (“the Clerk”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

On April 23, 2026, Daniel Woodie (“Appellant”) submitted a request to the Clerk seeking five categories of records related to a named individual’s voter registration. On May 1, 2026, claiming he had not received any response from the Clerk, the Appellant initiated this appeal.

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.” KRS 61.880(1). Here, the Appellant claims he submitted his requests to the Clerk on April 23, and that, as of May 1, he had yet to receive any response. On appeal, the Clerk states that it received the Appellant’s two requests on April 23 and that it sent timely responses, by U.S. Mail, the same day.

The Office has regularly found that it is unable to resolve factual disputes between a requester and a public agency, such as whether an agency received a request or a requester received a response to it. *See, e.g.*, 23-ORD-276 (factual dispute as to whether a requester received a response to his request). Similarly, here, the Office cannot find the Clerk violated the Act because the Office cannot resolve the

factual dispute between the parties as to whether the Appellant received the Clerk's responses to his request.¹

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
Scott Gunning
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Gabrielle Summe

¹ The Clerk provided a copy of its denial letter to the Appellant. That letter denied the request under KRS 61.872(6) for the same reasons stated in the appeal which resulted in 26-ORD-253. There, the Office found that the Clerk had not adequately invoked KRS 61.872(6).