



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-253

June 2, 2026

In re: Daniel Woodie/Kenton County Clerk

Summary: The Kenton County Clerk (“the Clerk”) violated the Open Records Act (“the Act”) when it denied a request for records under KRS 61.872(6) without proving by clear and convincing evidence that repeated requests were intended to disrupt other essential functions of the Clerk.

Open Records Decision

On March 10, 2026, Daniel Woodie (“the Appellant”) submitted a nine-part request to the Clerk.¹ The Appellant stated that he qualifies as a resident of the Commonwealth “under KRS 61.870(10)(f) among other qualifications under” KRS 61.870(10).² In response, the Clerk stated that the Appellant “need[ed] to be more specific regarding how you are claiming to be a resident of the Commonwealth” and asked the Appellant to “specify each subsection of the statute under which [he is] claiming to be a resident of the Commonwealth.” The Appellant then stated that his qualification under KRS 61.870(10)(f) is sufficient. The Clerk then denied the Appellant’s request under KRS 61.872(6). It explained that Angie Cable had

¹ Specifically, the Appellant requested: (1) the “voter registration” of a private individual with no redaction; (2) “records related to the former notary public commission” of a private individual; (3) “all records bearing a notarization of” a private individual; (4) “records bearing the signature” of a private individual; (5) “records regarding improper issuance of special licenses” by the Clerk; (6) records documenting “FOP Active Member License plates” that were issued to individuals not qualified to possess such license plates; (7) records documenting “Kentucky Emergency Management License plates” that were issued to individuals not qualified to possess such license plates; (8) records related to the “illegal voter registration and candidacy of” a private individual that had not previously been provided to the Appellant in response to early requests; and (9) “records regarding the current status of” a private individual’s “voter registration.”

² Under KRS 61.870(1)(f), a resident of the Commonwealth includes “[a]ny individual . . . that has been authorized to act on behalf of an individual . . . defined in” KRS 61.870(10)(a) to (e). The Appellant provided a letter from Angie Cable stating that (1) she resides in Kentucky and is a resident of the Commonwealth and (2) she authorizes the Appellant to “request responsive records on [her] behalf,” and stating that “[r]ecords requested by [the Appellant] should be provided directly to” him.

previously requested the same records sought by the Appellant, meaning his request was intended to disrupt its essential functions and could, therefore, be denied under KRS 61.872(6).³ This appeal followed.

Under KRS 61.872(6), “[i]f the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.” The “clear and convincing evidence” standard is a difficult threshold for an agency to meet, as it “requires the party with the burden of proof to produce evidence substantially more persuasive than a preponderance of evidence, but not beyond a reasonable doubt.” *Fitch v. Burns*, 782 S.W.2d 618, 622 (Ky. 1989). Thus, the trier of fact “must be persuaded that the truth of the contention is ‘highly probable.’” *Id.* (quoting *McCormick on Evidence* § 340(b), at 796 (2d ed. 1972)).

The Clerk’s contention that the Appellant’s “repeated requests are intended to disrupt other essential functions of the public agency,” is subject to the “clear and convincing evidence” standard under KRS 61.872(6). The public policy underlying the Act “is that free and open examination of public records is in the public interest[,] even though such examination may cause inconvenience or embarrassment to public officials or others.” KRS 61.871. Thus, a “person requesting to inspect public records does not have to state any reason as to why he wants to see those records [and] does not have to show or establish any particular interest in the subject matter of those records.” OAG 89-79. Rather, “the purpose of disclosure focuses on the citizens’ right to be informed as to what their government is doing.” *Zink v. Commonwealth, Dep’t of Workers’ Claims*, 902 S.W.2d 825, 829 (Ky. App. 1994). Therefore, “[o]nly when an agency has good reason to believe that a request is made *only* for the ulterior motive of disrupting the operation of the [agency], and in addition to so believing, has clear and convincing evidence that such is the case, may it deny inspection” under KRS 61.872(6). OAG 81-198 (emphasis added).

In 96-ORD-193, the Office noted the Act places “no limitation on the number of requests . . . an applicant can submit,” but stated “there is certainly a point at which the applicant’s repeated use of the law becomes an abuse of the law within the contemplation of KRS 61.872(6).” Although it is difficult for an agency to prove by clear and convincing evidence that a requester solely intends to disrupt its essential functions, it is not impossible. For example, in 02-ORD-230, intent to disrupt was established by a broadly worded request (“ALL Richmond District Court Facilities Corporate Records”), coupled with an extensive history of failure to retrieve requested records and a criminal conviction for harassing communications directed to city

³ The Clerk incorporated by reference a response issued on behalf of several Kenton County agencies responding to multiple requests the Appellant had submitted.

employees. Similarly, in 05-ORD-121, the Office found intent to disrupt when an individual made an “overly broad and blanket [request] for previously requested and provided records” and had established a prior “pattern of conduct” in which he requested “voluminous documents [and] either did not inspect the records or inspected only a small portion of them.” In 22-ORD-048, intent to disrupt was proven by a requester’s repeated failure to retrieve records and requesting copies of all city ordinances, which he knew were temporarily not in the city’s possession due to an ongoing digitization process. In 15-ORD-015, intent to disrupt was found when a requester had repeatedly failed to pay for copies of voluminous records in a timely manner and demanded the agency pay him \$500,000 to stop submitting requests. But outside such “extreme and abusive circumstances[,] it is the legislative intent that public employees exercise patience and long-suffering in making public records available for public inspection.” OAG 77-151.

Here, as evidence of intent to disrupt, the Clerk argues that the Appellant’s conduct amounts to a combination of bad faith and a “pattern of conduct” of submitting harassing requests.

First, the Clerk refers to a previous appeal of a Kenton County agency decision denying records, which the Appellant withdrew before the Office issued a decision, and the Appellant’s series of requests and appeals in which he has argued that he is a resident of the Commonwealth under several different provisions of KRS 61.870(10). The Appellant disputes that his prior appeal and subsequent denial were intended to waste the resources of the Kenton County agency that had been appealed. 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. Here, on only one occasion, the Appellant withdrew an appeal prior to this Office issue of a decision. Importantly, the Appellant withdrew his appeal before the agency responded to it. Further, although the Appellant has brought several appeals concerning whether he is a resident of the Commonwealth, those appeals have presented new issues for the Office to consider—meaning those appeals did not frivolously and repeatedly raise the same issue.⁴ Under these specific facts,⁵ the Office finds the Appellant’s withdrawal of an appeal and the series of appeals

⁴ The Office has issued decisions in several appeals brought by the Appellant regarding a Kenton County agency. In 25-ORD-156, the Office determined that the Appellant was not a resident of the Commonwealth under KRS 61.870(10)(a) or (d). Both 26-ORD-031 and 26-ORD-033 concerned whether the Appellant was a resident of the Commonwealth under KRS 61.870(10)(f), after Ms. Cable had revoked her prior authorization. And 26-ORD-081 concerned whether the Appellant was a resident of the Commonwealth under KRS 61.870(10)(f) after Ms. Cable again gave the Appellant an authorization to seek records on her behalf.

⁵ The Office does not suggest that this type of conduct could *never* be evidence of a requester’s intent to disrupt an agency’s essential functions. But here, the Appellant did not engage in a pattern of such behavior, but merely withdrew one prior appeal.

regarding his residency do not prove an intent to disrupt the Clerk's essential functions by clear and convincing evidence.

Next, the Clerk asserts that the Appellant's request is duplicative of a request previously submitted to the Clerk by Ms. Cable. The Clerk states that Ms. Cable received those records, and so the Appellant's request for records already produced is a "frivolous repeat request[.]" For his part, the Appellant disputes that his request could be identical to a request previously submitted by Ms. Cable. Moreover, he states that he does not know what "what Ms. Cable has included in her" requests. In 22-ORD-048, intent to disrupt was proven by a requester's repeated failure to retrieve records and requesting copies of all city ordinances, which he knew were temporarily not in the city's possession due to an ongoing digitization process. In making its "clear and convincing" case of the requests intent to disrupt its functions, the agency "provided actual evidence, in the form of a timeline and supporting documentation regarding several previous requests submitted by the [requester], where he has failed to pick up the records that he requested, or where he has had waited several months before picking up the records." Here, the Clerk has not provided "supporting documentation." Rather, it only asserts that the Appellant's request is duplicative of a previous request from Ms. Cable. Simply put, the bare assertion that the Appellant's request is duplicative⁶ of a previous request is not "clear and convincing" evidence that it is intended to disrupt the Clerk's essential functions.

As evidence of an intent to harass, the Clerk also claims that the Appellant proposed a *quid pro quo* deal to it. According to the Clerk, the Appellant stated that "if the [Clerk] were more accommodating to his requests for records, then his requests could be narrowed to be less burdensome." The Appellant disputes this claim. He states that he told the Clerk that if it identified particular parts of his request as "overly broad or burdensome, [he] might be able to narrow the scope further for those specific elements for the instant" request. First, the Office notes that the Clerk has not provided documentation supporting its claims of the alleged *quid pro quo*. See, e.g., 22-ORD-048. Regardless, the Office has previously found that an Appellant's demand that the agency pay him \$500,000 to stop submitting requests supported the agency's denial under KRS 61.872(6). See 15-ORD-015. The Appellant's alleged action here is entirely unlike the monetary demand at issue in 15-ORD-015.

Additionally, the Clerk explains that the Appellant recent served a subpoena on a Kenton County employee "commanding her appearance at a hearing regarding alleged contemptuous conduct of Appellant in a case where a female victim obtained

⁶ The Office makes no finding regarding whether the Appellant's request and Ms. Cable's prior request are identical. However, the Office notes that the Appellant's request consists of nine distinct parts, which seek very specific categories of records. Further, in the context of an allegation of an intent to disrupt, the Office has declined to consider two requests to be identical based only on there being "an overlap of records that are responsive to both requests." 25-ORD-404.

an IPO against him.” According to the Clerk, its employee attended the hearing but “the Appellant did not call her to testify, or ask to call her to testify, and did not release her from the subpoena before the hearing concluded later that day.” This conduct by the Appellant demonstrates a lack of consideration for the time of the Kenton County employee he had subpoenaed. However, a requester’s separate pursuit of 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. The Appellant’s actions related to that subpoena do not prove that the records request at issue in this appeal was intended to disrupt the agency’s essential functions.

Last, the Clerk claims that Ms. Cable has stated that “she has no interest in any of the [Clerk’s] records” and has “refused to arrange for inspection of records that she previously requested on her own behalf from other departments within” Kenton County. As support for this statement, the Clerk cites 26-ORD-031 n.1, in which the Office stated the agency “provides a recording of a telephone conversation with the Kenton County Attorney’s Office on January 23, 2026, in which Ms. Cable similarly affirms that she has revoked the Appellant’s authority to request records on her behalf.” In response, the Appellant correctly points out that Ms. Cable has since changed her mind and re-authorized the Appellant to request records on her behalf. In that phone call, Ms. Cable discussed the reasons she previously revoked her authorization to the Appellant and declined to pick up records the Appellant had requested on her behalf. She does not state a general disinterest in the Clerk’s records. Although a pattern of failing to retrieve records produced in response to a voluminous request is indicative of an intent to disrupt an agency’s essential functions, *see* 15-ORD-015, it appears that such a failure only occurred on one occasion.

In the Office’s prior decisions in which a public agency demonstrated by clear and convincing evidence that a requester intended to disrupt essential functions of a public agency, certain common factors can be found. In general, the requesters have exhibited a previous pattern of failure to retrieve, inspect, or pay for voluminous records after requesting them, coupled with clearly harassing behavior or repeated requests for the same records. This appeal does not present the same type of evidence found in 22-ORD-048, 15-ORD-015, 05-ORD-121, or 02-ORD-230. Specifically, the record on appeal does not support the allegation that the Appellant and Ms. Cable, together, have exhibited a pattern of failure to retrieve, inspect, or pay for voluminous records after requesting them, or that their collective requests are duplicative of one another. Nor does the conduct of the Appellant rise to the type of “clearly harassing behavior” that the Office has previously found supported KRS 61.872(6) denials.

The Office does not doubt that the Appellant's requests impose a burden⁷ on the Clerk and other Kenton County agencies.⁸ However, it is an "obvious fact that complying with an open records request will consume both time and manpower." *Commonwealth v. Chestnut*, 250 S.W.3d 655, 665 (Ky. 2008). Given the high bar required to invoke KRS 61.872(6) to deny a request on the basis that the requester intends to disrupt its essential functions and the record in this appeal, the Office cannot find that the Clerk has adequately invoked KRS 61.872(6). Therefore, the City violated the Act when it denied the Appellant's request.⁹

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#231

Distributed to:

Daniel Woodie, Appellant
Scott Gunning
Chris Nordloh, Esq.
Gabrielle Summe

⁷ Of course, if a particular request imposes an unreasonable burden on the Clerk, it may deny the request on that basis. *See* 26-ORD-242.

⁸ The Office has issued a total of 20 decisions in appeals brought by the Appellant. *See, e.g.*, 25-ORD-033; 25-ORD-156; 25-ORD-374; 25-ORD-390; 25-ORD-397; 26-ORD-008; 26-ORD-031; 26-ORD-032; 26-ORD-033; 26-ORD-040; 26-ORD-069; 26-ORD-081; 26-ORD-216; 26-ORD-217; 26-ORD-222; 26-ORD-223; 26-ORD-224; 26-ORD-242; 26-ORD-251; 26-ORD-252. This number does not reflect appeals that the Appellant withdrew before the Office had issued a decision, multiple appeals that were consolidated into a single decision, or currently pending appeals brought by the Appellant.

⁹ The Appellant also complains that the response of the Clerk was issued by the County Attorney, even though he is not the Clerk's official records custodian. However, the Act provides that a "response shall be issued by the official custodian or *under his or her authority*." KRS 61.880(1) (emphasis added). As such, the response issued by the County Attorney on behalf of the Clerk did not violate the Act.