



COMMONWEALTH OF KENTUCKY
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22-ORD-036

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In re: Chad Heath/ Kentucky State Police

Summary: The Kentucky State Police’s (“KSP”) original basis for denying a request under the Open Records Act (“the Act”) is moot.

Open Records Decision

On January 3, 2022, Chad Heath (“Appellant”) requested that KSP provide certified copies of the “Public Official Bond” and the constitutional oath of office executed by a specific officer. In a timely response, KSP provided a copy of the officer’s signed oath of office, but stated that it could not locate the “official bond” for the officer. On January 12, 2022, the Appellant submitted a second request for the officer’s official bond. KSP denied the Appellant’s second request as a duplicative request that KSP claimed it was not required to honor. This appeal followed.

On appeal, KSP located the official bond and provided it to the Appellant.¹ Under 40 KAR 1:030 § 6, “If the requested documents are made available to the complaining party after a complaint is made, the Attorney General shall decline to issue a decision in the matter.” After receiving the records, the Appellant objected and seems to allege that on January 12, 2022, he requested a “Surety Bond” instead of a “Public Official’s Bond.” However, the Appellant’s January 12, 2022 request makes no mention of a “Surety Bond.” Rather, he sought “an up to date and valid copy of the bond that allows

¹ Under KRS 16.080, KSP officers “shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars (\$2,000).” KSP discharges this duty by obtaining a “blanket bond” for all officers. Thus, KSP does not possess a bond specific to the identified officer.

[the officer] to perform as promised to his oath/pledge of office.” That is what KSP provided. Accordingly, the appeal is moot under 40 KAR 1:030 § 6.²

A party aggrieved by this decision may appeal it by initiating 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 e-mailed to OAGAppeals@ky.gov.

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/s/Marc Manley
Marc Manley
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Distribution:

Mr. Chad Heath
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² To the extent the Appellant is claiming that the appeal is not moot because KSP did not provide certified copies of records, the Act does not require public agencies to provide certified copies of records. *See, e.g.*, 03-ORD-207.