



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

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

24-ORD-266

December 11, 2024

In re: Helen Campbell/Perry County E-911 Center

Summary: The Perry County E-911 Center (“the Center”) violated the Open Records Act (“the Act”) when it denied a request for public records on the basis of residency when the requester stated how she qualified as a resident of the Commonwealth under KRS 61.870(10).

Open Records Decision

Helen Campbell (“Appellant”) submitted a request to the Center for “a copy of the petition filed to dedicate a private lane . . . for public maintenance.” The Appellant specified that responsive records included “all supporting documents” related to taking the private road and making it a public road. The Appellant’s request further specified that her request was related to the “Wallace and Helen Campbell property” that had been deeded to them by two named individuals. In a timely response, the Center denied the request “due to [the Appellant] not being a Kentucky resident.” This appeal followed.

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.* A “resident of the Commonwealth” includes, “[a]n individual or business entity that owns real property within the Commonwealth.” KRS 61.870(10)(e).

On appeal, the appellant asserts she is a resident of the Commonwealth under KRS 61.870(10)(e) because she owns real property in Kentucky. The Center reaffirms that it denied the request because the Appellant lives in Ohio even though she owns real property in Kentucky. Here, the Appellant’s original request informed the Center that she owned real property in Kentucky. This satisfied the requirement that her request state “the manner in which [she] is a resident of the Commonwealth.” KRS 61.872(2)(a); *see, e.g.*, 22-ORD-120. Accordingly, the Center violated the Act when it denied the Appellant’s request.

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:

Helen Campbell
Danny Miller, Director, Perry County E-911
Derek Jorge Campbell, Perry County Attorney