



COMMONWEALTH OF KENTUCKY  
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25-ORD-034

February 6, 2025

In re: Paul Starkey/Department of Criminal Justice Training

**Summary:** The Department of Criminal Justice Training (“the Department”) did not violate the Open Records Act (“the Act”) when it denied a request that failed to contain a statement demonstrating that the applicant is a resident of the Commonwealth.

***Open Records Decision***

Paul Starkey (“Appellant”) submitted a request to the Department seeking “all disclosable records for” a specific individual. In response, the Department explained that it is authorized by KRS 61.872(2)(a) to require a requester “to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth” as defined by the Act. The Department then provided the Appellant with a copy of the official request form promulgated by the Office “as a convenient resource by which” he could “provide the necessary statement regarding residency.”<sup>1</sup> This appeal followed.

Under the Act, any “resident of the Commonwealth” may apply to inspect records. Moreover, the official records custodian may require a person requesting to inspect records “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).” KRS 61.872(2)(a).

Here, the Appellant did not state in his request how he qualified as a “resident of the Commonwealth.” Further, on appeal, the Appellant admits that he is not a

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<sup>1</sup> The Department also informed the Appellant that he was not required to resubmit his request using that form. See KRS 61.872(2)(c).

Kentucky resident.<sup>2</sup> Therefore, the Department did not violate the Act when it denied his 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

#014

Distributed to:

Paul Starkey

Denna D. Brockman, J.D., Records Section Supervisor/Official Records Custodian,  
Department of Criminal Justice Training

Robin Cornette, Staff Attorney III, Office of the Secretary, Office of Legal Services,  
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<sup>2</sup> Instead, the Appellant argues that the Act's resident requirement is unconstitutional. Such questions are beyond the scope of the Office's review. *See* KRS 61.880(2)(a) (authorizing the Office to issue "a written decision stating whether the agency violated provisions of KRS 61.870 to 61.884").