



Andy Beshear
GOVERNOR

**OFFICE OF THE GOVERNOR
OFFICE OF THE GENERAL COUNSEL**

The State Capitol
700 Capitol Avenue, Suite 108
Frankfort, Kentucky 40601
Phone: (502) 564-2611
Fax: (502) 564-6858

Amy D. Cabbage
GENERAL COUNSEL

S. Travis Mayo
CHIEF DEPUTY GENERAL COUNSEL

February 8, 2021

Via Electronic Mail

Representative Jason Nemes, Chair
Representative George Brown, Jr.
Representative Angie Hatton
Representative Kim King
Representative C. Ed Massey
Representative Suzanne Miles
Representative Patti Minter
Representative Felicia Rabourn
Representative Buddy Wheatley
Elishea Schweickart, Committee Clerk
Regular Session 2021 Impeachment Committee
702 Capitol Avenue
Frankfort, KY 40601

Re: Request for Additional Information

Dear Rep. Nemes and Committee Members:

Dear Rep. Nemes and Committee Members,

This submission is in response to your Friday, February 5, 2021 correspondence requesting additional information. In that correspondence, the Committee described our February 1 letter as “not a response to what was essentially a request for production of documents,” and restated the Committee’s request from its January 28, 2021 letter. However, the February letter did not contain an instruction from the Committee’s January request that may explain a misunderstanding.


In particular, the Committee’s January 28 letter specifically stated, “Documents previously appended to Petitioners’ Reply need not be re-produced.” We therefore did not provide the records that were previously produced to the Office of the Treasurer pursuant to an open records request, and which petitioners appended to their Reply.

Given this apparent miscommunication, we are attaching those emails to this letter. We have no additional responsive emails or letters. Specifically, there are no responsive phone logs, fax logs, or recordings. The records retention schedule for the Office of the Governor (and most of state government), promulgated by the Kentucky Department for Libraries and Archives, does

not include phone logs, fax logs, or recordings.¹ Our Office therefore does not create or retain such records and no records exist to produce.

Finally, we appreciate the Committee's statement that our prior objections and defenses will be considered, so we incorporate those objections and defenses herein but do not repeat them.²

Respectfully submitted,



Amy D. Cabbage
General Counsel

cc: Kent Westberry, Committee Counsel

¹ The Records Retention Schedule for the Office of the Governor is available at <https://kdla.ky.gov/records/recreentionschedules/Documents/State%20Records%20Schedules/kygovernor.PDF>. The Records Retention General Schedule for State Agencies is available at <https://kdla.ky.gov/records/recreentionschedules/Documents/State%20Records%20Schedules/kystateagency.pdf>

² We note that on February 5th, the U.S. Supreme Court rendered a fractured opinion in *South Bay United Pentecostal Church v. Newsom*, 592 U.S. ____ (2021), No. 20A136 (20-746), (Feb, 5, 2021). The case, in which a California church sought injunctive relief against California's public health measures prohibiting indoor worship services, limiting the capacity of indoor worship services, and prohibiting singing and chanting on a county-by-county basis depending on the severity of positivity rate, produced four different opinions among the nine justices, resulting in a conclusion to enjoin the public health measures prohibiting indoor worship services in some counties but refusing to enjoin the capacity restrictions and prohibition on indoor singing and chanting. This further underscores the dynamic nature of this area of constitutional law.

From: [Brewer, Rodney W \(KSP\)](#)
To: [Adams, Timothy W \(KSP\)](#); [White, Charles D \(KSP\)](#); [Mills, Chadwick B \(KSP\)](#)
Cc: [Johnson, Matthew J \(KSP\)](#); [Stapleton, Darren S \(KSP\)](#); [Burnett, Phillip \(KSP\)](#)
Subject: Church detail
Date: Friday, April 10, 2020 2:49:03 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Captains----

I am attaching a flyer directed to me from the Governor's office via the local health department concerning churches in your post area that are expected to be non-compliant to the current Executive Order regarding public gatherings during the COVID pandemic this weekend. Please see that the following actions are taken regarding this situation:

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- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

I appreciate your continued efforts as we try to minimize the spread of the COVID-19. Please feel free to contact me should you have any questions or concerns at 502.330.8484.

Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601
502.782.1793 (o)
502.229.1254 ©

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Active Churches 4/10/2020 11:21 AM

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From: [Adams, Timothy W \(KSP\)](#)
To: [Johnson, Matthew J \(KSP\)](#)
Subject: FW: Church detail
Date: Sunday, April 12, 2020 3:30:44 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

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In regards to non-compliance regarding public gathering at church services in the Post 3 area the following action has been taken.

At the location listed at the Brooklyn Missionary Baptist Church in Butler County, Sgt. Keith Saylor traveled to the location on Friday, April 10, 2020 and found no services (CAD#2020-004468906). On Sunday, April 12, 2020 he went back to the church and while placing the issued papers on the windshields was encountered by the parishioners. Sgt. Saylor advised only 9 people were present and they were practicing social distancing. He provided them the papers and left without incident. He wrote down their registration information and placed it in the CAD if further action is requested. (CAD# 2020-0470337)

The second complaint was at the St Abram Orthodox Church located at 106 Wilson Road in Auburn, KY. It was reported that several cars were in the parking lot. Sgt. Mike May went to the church and found only 6 or 8 cars present. He observed the location and no others arrived. He did not enter the church or take any further action. (CAD#2020-00470282)

The last complaint was at Westwood Church of Christ located at 106 Westwood St in Glasgow, KY. Information was received that parishioners were parking down the street and the church buses were taking them to the facility. Upon receiving the information I sent Trooper Jordan Matthews to observe. Upon arrival he observed no cars at the church, but several parked down the road. He remained for approximately two hours and only observed three people leaving the facility. He did not attempt to enter the church or take any further action. (CAD#2020-00470371)

Captain Tim Adams, Unit 15
Commander- Post 3/Bowling Green
3119 Nashville Road
Bowling Green, KY 42101
Phone (270)782-2010
Fax (270)746-7017

From: Brewer, Rodney W (KSP)

Sent: Friday, April 10, 2020 1:49 PM

To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>

Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

Subject: Church detail

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From: [Johnson, Matthew J \(KSP\)](#)
To: [Stotts, Bradly L \(KSP\)](#)
Subject: Fwd: Church detail
Date: Saturday, April 11, 2020 1:00:41 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

Major Matthew J. Johnson u/9
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
Ph: (502) 782-1804
E-Mail: mattj.johnson@ky.gov

This communication may contain information which is confidential. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any form of distribution, copying, forwarding or use of this communication or the information therein is prohibited and may be unlawful. If you have received this communication in error please return it to the sender and delete the communication.

From: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>
Sent: Saturday, April 11, 2020 9:56:06 AM
To: Archer, David N (KSP) <David.Archer@ky.gov>
Subject: Fwd: Church detail

For Hopkinsville church.

Major Matthew J. Johnson u/9
West Troop Commander

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From: Brewer, Rodney W (KSP) <Rodney.Brewer@ky.gov>
Sent: Friday, April 10, 2020 2:48:31 PM
To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>
Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

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From: [Johnson, Matthew J \(KSP\)](#)
To: [Burnett, Phillip \(KSP\)](#); [Brewer, Rodney W \(KSP\)](#)
Subject: Fwd: Church detail
Date: Sunday, April 12, 2020 3:56:30 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

Information on Churches in Post 3 area and action taken.
Matt

Major Matthew J. Johnson u/9
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
Ph: (502) 782-1804
E-Mail: mattj.johnson@ky.gov

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From: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>
Sent: Sunday, April 12, 2020 3:30:25 PM
To: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>
Subject: FW: Church detail

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In regards to non-compliance regarding public gathering at church services in the Post 3 area the following action has been taken.

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Captain Tim Adams, Unit 15
Commander- Post 3/Bowling Green
3119 Nashville Road
Bowling Green, KY 42101
Phone (270)782-2010
Fax (270)746-7017

From: Brewer, Rodney W (KSP)

Sent: Friday, April 10, 2020 1:49 PM

To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>

Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

Subject: Church detail

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Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601
502.782.1793 (o)
502.229.1254 ©

"Good is the enemy of great"
---Jim Collins

Active Churches 4/10/2020 11:21 AM

Church	Address	City	Health Department	Status
Brooklyn Missionary Baptist Church	3130 Brooklyn Rd	Morgantown	Barren River/Butler	LHD confirms church is open and refuses to close; pastor is also doing door to door visitation of members.
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From: [Johnson, Matthew J \(KSP\)](#)
To: [Stotts, Brady L \(KSP\)](#)
Subject: Fwd: Church detail
Date: Saturday, April 11, 2020 1:00:41 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

Major Matthew J. Johnson u/9
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
Ph: (502) 782-1804
E-Mail: mattj.johnson@ky.gov

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From: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>
Sent: Saturday, April 11, 2020 9:56:06 AM
To: Archer, David N (KSP) <David.Archer@ky.gov>
Subject: Fwd: Church detail

For Hopkinsville church.

Major Matthew J. Johnson u/9
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
Ph: (502) 782-1804
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From: Brewer, Rodney W (KSP) <Rodney.Brewer@ky.gov>
Sent: Friday, April 10, 2020 2:48:31 PM
To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>
Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

Subject: Church detail

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Kentucky State Police
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Frankfort, Kentucky 40601
502.782.1793 (o)
502.229.1254 ©

"Good is the enemy of great"
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Active Churches 4/10/2020 11:21 AM

Church	Address	City	Health Department	Status
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From: [Johnson, Matthew J \(KSP\)](#)
To: [Archer, David N \(KSP\)](#)
Subject: Fwd: Church detail
Date: Saturday, April 11, 2020 9:56:07 AM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

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Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
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Information on Churches in Post 3 area and action taken.
Matt

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Commander- Post 3/Bowling Green
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Bowling Green, KY 42101
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Fax (270)746-7017

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Sent: Friday, April 10, 2020 1:49 PM

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Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

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From: [Burnett, Phillip \(KSP\)](#)
To: [Stapleton, Darren S \(KSP\)](#)
Subject: Fwd: Church detail
Date: Sunday, April 12, 2020 4:02:12 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

LT. Colonel Phillip Burnett, Jr. Unit 1
Office of Operations, Executive Director

Kentucky State Police
919 Versailles Road
Frankfort, Ky. 40601
Cell: 6062461224
Office: 5027821794

From: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>
Sent: Sunday, April 12, 2020 3:56:29 PM
To: Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>; Brewer, Rodney W (KSP) <Rodney.Brewer@ky.gov>
Subject: Fwd: Church detail

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Information on Churches in Post 3 area and action taken.
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Falmouth Baptist Church	303 West Shelby Street	Falmouth	Three Rivers/Pendleton	No word from LHD

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**Where people congregate unnecessarily,
or fail to follow adequate social distancing practices,
they are spreading COVID-19, CREATING SCENES OF AN EMERGENCY**

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Employees of the local health department will be contacting those associated with this vehicle with self-quarantine documents, including an agreement requiring this vehicle's occupants and anyone in the household to self-quarantine for **14** days.

Failure to sign or comply with the agreement may result in further enforcement measures.

Please be advised that KRS 39A.990 makes it a Class A misdemeanor to violate an emergency order.

***Records maintained by the Commonwealth are subject to disclosure under the Open Records Act.**

From: [Burnett, Phillip \(KSP\)](#)
To: [Catron, Ryan R \(KSP\)](#)
Subject: Fwd: Church detail
Date: Saturday, April 11, 2020 9:31:51 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

LT. Colonel Phillip Burnett, Jr. Unit 1
Office of Operations, Executive Director

Kentucky State Police
919 Versailles Road
Frankfort, Ky. 40601
Cell: 6062461224
Office: 5027821794

From: Brewer, Rodney W (KSP) <Rodney.Brewer@ky.gov>
Sent: Friday, April 10, 2020 2:48:31 PM
To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>
Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>
Subject: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Captains----

I am attaching a flyer directed to me from the Governor's office via the local health department concerning churches in your post area that are expected to be non-compliant to the current Executive Order regarding public gatherings during the COVID pandemic this weekend. Please see that the following actions are taken regarding this situation:

- A visible presence at or near the parking lot entrance by at least two uniformed troopers utilizing at least one marked SP as attendees are entering the parking lot for any in-person services that may occur on April 10th and 12th (Friday & Sunday);
- PPE masks and gloves may be utilized but are not mandatory;
- Units are not expected to enter the actual church building;
- Copies of the attached flyer concerning COVID guidelines and a self-imposed quarantine by those in attendance should be placed on the windshield of each car in the parking lot after the service begins.
- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

I appreciate your continued efforts as we try to minimize the spread of the COVID-19. Please feel free to contact me should you have any questions or concerns at 502.330.8484.

Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601
502.782.1793 (o)
502.229.1254 ©

"Good is the enemy of great"
---Jim Collins

Active Churches 4/10/2020 11:21 AM

Church	Address	City	Health Department	Status
Brooklyn Missionary Baptist Church	3130 Brooklyn Rd	Morgantown	Barren River/Butler	LHD confirms church is open and refuses to close; pastor is also doing door to door visitation of members.
Maryville Baptist Church	130 Smith Lane	Louisville	Bullitt	LHD confirms church is open and refuses to close.
Kingdom Center	12610 Taylorsville Road	Louisville	Jefferson	No word from LHD
Centennial Olivet Baptist Church	1541 W. Oak Street	Louisville	Jefferson	No word from LHD
Falmouth Baptist Church	303 West Shelby Street	Falmouth	Three Rivers/Pendleton	No word from LHD

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From: [Johnson, Matthew J \(KSP\)](#)
To: [Burnett, Phillip \(KSP\)](#); [Brewer, Rodney W \(KSP\)](#)
Subject: Fwd: Church detail
Date: Sunday, April 12, 2020 3:56:31 PM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

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Information on Churches in Post 3 area and action taken.
Matt

Major Matthew J. Johnson u/9
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
Ph: (502) 782-1804
E-Mail: mattj.johnson@ky.gov

This communication may contain information which is confidential. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any form of distribution, copying, forwarding or use of this communication or the information therein is prohibited and may be unlawful. If you have received this communication in error please return it to the sender and delete the communication.

From: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>
Sent: Sunday, April 12, 2020 3:30:25 PM
To: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>
Subject: FW: Church detail

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In regards to non-compliance regarding public gathering at church services in the Post 3 area the following action has been taken.

At the location listed at the Brooklyn Missionary Baptist Church in Butler County, Sgt. Keith Saylor traveled to the location on Friday, April 10, 2020 and found no services (CAD#2020-004468906). On Sunday, April 12, 2020 he went back to the church and while placing the issued papers on the windshields was encountered by the parishioners. Sgt. Saylor advised only 9 people were present and they were practicing social distancing. He provided them the papers and left without incident. He wrote down their registration information and placed it in the CAD if further action is requested. (CAD# 2020-0470337)

The second complaint was at the St Abram Orthodox Church located at 106 Wilson Road in Auburn,

KY. It was reported that several cars were in the parking lot. Sgt. Mike May went to the church and found only 6 or 8 cars present. He observed the location and no others arrived. He did not enter the church or take any further action. (CAD#2020-00470282)

The last complaint was at Westwood Church of Christ located at 106 Westwood St in Glasgow, KY. Information was received that parishioners were parking down the street and the church buses were taking them to the facility. Upon receiving the information I sent Trooper Jordan Matthews to observe. Upon arrival he observed no cars at the church, but several parked down the road. He remained for approximately two hours and only observed three people leaving the facility. He did not attempt to enter the church or take any further action. (CAD#2020-00470371)

Captain Tim Adams, Unit 15
Commander- Post 3/Bowling Green
3119 Nashville Road
Bowling Green, KY 42101
Phone (270)782-2010
Fax (270)746-7017

From: Brewer, Rodney W (KSP)

Sent: Friday, April 10, 2020 1:49 PM

To: Adams, Timothy W (KSP) <Timothy.Adams@ky.gov>; White, Charles D (KSP) <CharlesD.White@ky.gov>; Mills, Chadwick B (KSP) <Chadwick.Mills@ky.gov>

Cc: Johnson, Matthew J (KSP) <MattJ.Johnson@ky.gov>; Stapleton, Darren S (KSP) <Darren.Stapleton@ky.gov>; Burnett, Phillip (KSP) <PJ.Burnett@ky.gov>

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