



COMMONWEALTH OF KENTUCKY
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21-ORD-040

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In re: Glen Odom/Oldham County Coroner's Office

Summary: The Oldham County Coroner's Office ("Coroner's Office") discharged its duty under the Open Records Act (the "Act") when it directed the requester to the records custodian of the public agency in possession of the requested record.

Open Records Decision

Glen Odom ("Appellant") claims that on January 19, 2021, he requested from the Coroner's Office a copy of the autopsy report of a deceased inmate. After receiving no response from the Coroner's Office, Appellant initiated this appeal. The Coroner's Office claims it never received the Appellant's request.

An agency's obligations under the Act arise only after receipt of an actual request. KRS 61.872(5). Here, the Coroner's Office claims it never received the request from Appellant. With nothing more to go on than competing claims, this Office has historically declined to resolve such factual disputes. *See, e.g.,* 20-ORD-134; 18-ORD-056; OAG 89-81. This Office does so again here because the Coroner's Office has now responded to the request.

The Coroner's Office explains that it does not possess the requested autopsy report. Rather, it claims that the State Medical Examiner would likely possess the requested report. The Coroner's Office has provided the Appellant with the contact information for the State Medical Examiner's record custodian. *See* KRS 61.872(4) ("If the person to whom the application is directed does not have custody

or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records."). In doing so, the Coroner's Office has discharged its duty under the Act.

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. 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.

Daniel Cameron
Attorney General

/s/Marc Manley
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Distributed to:

Glen Odom #219489
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