



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-186

August 28, 2024

In re: Ronald Corman/Crime Victims Compensation Board

**Summary:** The Crime Victims Compensation Board (“the Board”) did not violate the Open Records Act (“the Act”) when it could not provide records that do not exist.

***Open Records Decision***

On July 15, 2024, inmate Ronald Corman (“Appellant”) submitted a request to the Board for “[t]he Policy and Procedure used by the [Board] or the OCA [Office of Claims and Appeals] in which [*sic*] determines the amount to be intercepted from the Inmates account on a monthly basis” and “[a]n itemized statement of all monies that were dispersed towards the victim with a breakdown of what went where.” In a timely response, the Board advised the Appellant that “the Department of Corrections determines the amount to be deducted from inmates’ accounts as payment to be applied to the debt owed to the OCA after the [Board] awards a claim” and that he must therefore “request the relevant policy and procedure from the Department of Corrections.” However, the Board provided a copy of the Notice of Intercept sent by the Kentucky Claims Commission to the Luther Lockett Correctional Complex, which indicated the amount the Appellant owed. In response to the Appellant’s request for an “itemized statement,” the Board provided “a copy of the Final Order, which indicates the amount of the award, its purpose, and its recipient(s).”<sup>1</sup> This appeal followed.

Under KRS 49.470(1), “[a]ny payment of benefits to or on behalf of a victim” pursuant to an award by the Board “creates a debt due and owing to the state by any person found to have committed such criminal act in either a civil or criminal court proceeding in which he is a party.” On appeal, the Board explains that the Department of Corrections, not the Board, is responsible for determining the monthly amount to be deducted from an inmate’s account to pay such a debt, and therefore

---

<sup>1</sup> Pursuant to KRS 61.878(1)(a), the Board redacted from its Final Order the address of the crime victim. The Appellant does not dispute this redaction.

the Board has no policy or procedure on that subject.<sup>2</sup> Once a public agency states affirmatively that it has no responsive records, the burden shifts to the requester to present a *prima facie* case that such records exist. See *Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). Here, the Appellant has not attempted to make such a showing. Accordingly, the Board did not violate the Act when it could not provide a policy used by the Board to perform a function it does not perform.

Regarding the Appellant’s request for an “itemized statement” of funds disbursed pursuant to the award “with a breakdown of what went where,” the Board provided a copy of its Final Order, which awards \$21,690.12 to the victim for “lost wages related to injuries sustained during an assault” and \$3,309.88 to UC Health for outstanding medical expenses related to the assault.<sup>3</sup> The Board affirmatively states that it does not possess an “itemized statement” containing more detail regarding disbursement of funds. Again, the Appellant has failed to present a *prima facie* case that any such list exists or should exist. Therefore, the Board did not violate the Act.

A party aggrieved by this decision may appeal it by initiating an 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 emailed to OAGAppeals@ky.gov.

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

---

<sup>2</sup> Among other assertions, the Appellant claims the Luther Luckett Correctional Complex is misapplying Corrections Policy and Procedure (“CPP”) 15.7 in determining the monthly deduction. Thus, the Appellant is aware that CPP 15.7 is the governing policy.

<sup>3</sup> The Final Order adopts the Recommended Order, which contains the same information as to funds disbursed. The Board provided a copy of the Recommended Order to the Appellant on May 15, 2024, in response to a previous open records request.

#329

Distributed to:

Ronald Corman, #268763  
Shelby Bevins-Sullivan, Esq.  
Linda Horsman, Esq.  
John Hardesty, Esq.  
Mr. Raymond Shields