



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-106

April 26, 2024

In re: Glen Odom/Kentucky State Penitentiary

Summary: The Office cannot find that the Kentucky State Penitentiary (the “Penitentiary”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties.

Open Records Decision

Between March 8 and March 15, 2024, inmate Glen Odom (“Appellant”) submitted four requests to the Penitentiary for copies of various records. On March 25, 2024, having received no response from the Penitentiary, the Appellant initiated this appeal.

Upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1).

On appeal, the Penitentiary claims it timely responded to all four requests and made available to the Appellant 66 pages of responsive records.¹ As proof, the Penitentiary provides four copies of the requests at issue, with stamps indicating the dates they were received, and its timely responses to all four requests. The Office has regularly found it is unable to resolve factual disputes between the parties to an appeal under KRS 61.880(2)(a), including disputes about whether a requester received a public agency’s response to his request. *See, e.g.*, 23-ORD-220. Accordingly,

¹ The Penitentiary also asserts that the Appellant’s appeal is unperfected because he did not provide copies of its responses to his requests. However, the Appellant initiated this appeal by claiming he did not receive a response to any of his requests. When a requester seeks the Attorney General’s review of a claim that a public agency has failed to respond to a request to inspect records, he need only provide the Office with a copy of the request to which he claims the agency failed to respond. *See* KRS 61.880(2)(a).

the Office cannot find the Penitentiary violated the Act because the Office cannot resolve the factual dispute between the parties as to whether the Appellant received the Penitentiary's responses to his requests.

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

#178

Distributed to:

Glen Odom #219489
Michelle Harrison
Stephanie DeFrancesco
Ann Smith