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26-ORD-204

May 11, 2026

In re: Larry P. Stallard/Wolfe County Coroner

Summary: The Wolfe County Coroner (“the Coroner”) violated the Open Records Act (“the Act”) by failing to explain how KRS 61.878(1)(a) applies to records he is withholding under KRS 61.880(1) and by failing to separate any exempt material from the records per KRS 61.878(4) rather than denying the request entirely.

Open Records Decision

On April 1, 2026, Larry P. Stallard (“the Appellant”) submitted a request to the Coroner for copies of the “entire case files for all deaths occurring during calendar year 2025 in Wolfe County where cause of death was drug overdose.” The Appellant stated that his request included, “without limitation, all notes, witness statements, memoranda, correspondence, sketches, charts, photographs, video, audio, and any other documents generated or produced in connection with your scene investigations and postmortem examinations of the subject deaths.” For each of the “death scene and postmortem examination” photographs or videos, the Appellant specifically asked the Coroner to “please redact that record and so indicate; or alternately, indicate the number of death scene and number of postmortem photographs and videos for each case [that] is being withheld.” On April 8, 2026, the Coroner denied the Appellant’s request “concerning 2025 drug overdose cases,” citing KRS 61.878(1)(a) without further explanation.¹ This appeal followed.²

¹ KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” To determine whether a public record may be redacted or withheld under KRS 61.878(1)(a), the Office must weigh the public’s right to know that a public agency is properly executing its functions against the “countervailing public interest in personal privacy” when the records in dispute contain information that touches upon the “most intimate and personal features of private lives.” *Ky. Bd. of Exam’rs of Psychologists v. Courier–Journal & Louisville Times Co.*, 826 S.W.2d 324, 328 (Ky. 1992).

² On April 14, 2026, the Office sent a notice of appeal to the Coroner and the Wolfe County Attorney, stating that a response on the Coroner’s behalf “must be received within five (5) days of the date of

Under KRS 61.880(1), upon receipt of a request for public records, a public agency “shall determine within five (5) days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request whether to comply with the request and shall notify the person making the request, within the five (5) day period of its decision.” When a public agency denies a request for public records, it must “include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.” KRS 61.880(1); KRS 61.880(2)(c); 26-ORD-108. The agency must “provide particular and detailed information,” not merely a “limited and perfunctory response.” *Edmondson v. Alig*, 926 S.W.2d 856, 858 (Ky. 1996). In other words, “[t]he agency’s explanation must be detailed enough to permit [a reviewing] court to assess its claim and the opposing party to challenge it.” *Ky. New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 81 (Ky. 2013).

Upon receipt of the Appellant’s April 1, 2026, request, the Coroner sent a timely response per KRS 61.880(1). However, the Coroner simply referenced KRS 61.878(1)(a) to justify his blanket denial of the Appellant’s request; he did not provide any explanation of how that exception applies to specific records or portions thereof. Therefore, his “limited and perfunctory response” violated the Act. *See also* KRS 61.880(2)(c).

On appeal, the Coroner did not elaborate regarding how KRS 61.878(1)(a) justifies nondisclosure of all existing, responsive records he possesses, nor did anyone respond on his behalf. Under KRS 61.878(4), if a public record contains material that is not exempt under KRS 61.878(1), “the public agency shall separate the excepted and make the nonexcepted material available for examination.” In responding to an open records appeal, the public agency bears the burden of proof. KRS 61.880(2)(c); 20-ORD-166. Thus, by withholding all existing, responsive records he possesses in their entirety, rather than redacting any personal information that may be exempt under KRS 61.878(1)(a), the Coroner violated the Act. *See* 25-ORD-047.

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.

this notice.” As of the date of this decision, the Office has not received any response on behalf of the Coroner addressing the Appellant’s arguments.

Russell Coleman
Attorney General

/s/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

Larry P. Stallard, Appellant
Frank Porter, Wolfe County Coroner
Stephen Johnson, Wolfe County Attorney