



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

26-ORD-265

June 10, 2026

In re: James Harrison/Office of the State Medical Examiner

Summary: The Office is unable to resolve the factual dispute between the parties regarding the delivery and receipt of the request and, therefore, cannot find the Office of the State Medical Examiner (“the OSME”) violated the Open Records Act (“the Act”) by failing to send a written response within five business days of receiving the request.

Open Records Decision

By letter dated March 30, 2026,¹ James Harrison (“the Appellant”) requested from the OSME a copy of the “final disposition of an autopsy relating to the death” of his grandson, who died in December 2025 “at his home in Irving, Estill County, Kentucky.” When that letter was returned to him by the U.S. Postal Service two weeks later as “Unable to Forward,” the Appellant sent a second letter on April 17, 2026, to the Custodian of Records for the “Chief Medical Examiner” at “Central Laboratory[,] 100 Shower [sic] Boulevard,” in Frankfort, Kentucky. On May 4, 2026, the Appellant initiated this appeal, alleging the OSME failed to respond timely upon receipt of his April 17 request.

On appeal, the OSME states that the Appellant incorrectly directed his April 17 request to 100 *Shower* Boulevard, rather than 100 *Sower* Boulevard, which is the correct mailing address for the OSME. Consequently, the OSME says, it did not receive the request.

Under KRS 61.880(1), a public agency has five business days upon receipt of a request in which to send a written response and either comply or deny the request and explain why. Here, the Appellant’s requests were sent on March 30 and April 17, 2026, but the OSME states it did not receive either of them prior to receiving the copies attached to his appeal. The Office has consistently found it cannot resolve

¹ The Appellant directed his letter to: “Urban Government Center[,] 810 Barret Avenue,” in Louisville, Kentucky.

factual disputes between a requester and a public agency, including disputes regarding whether a public agency received a request or a public agency's response was received. *See* 26-ORD-146 (agency claimed it did not receive the request); 22-ORD-125 (same); 22-ORD-100 (same); 22-ORD-051 (same); 21-ORD-163 (same); *see also* 21-ORD-233 (agency claimed it sent a response, but the requester claimed he did not receive it). Here, the Appellant's April 13 request was returned to him as undeliverable and he mailed his April 17 request to the wrong address. Ultimately, the Office is unable to resolve the factual question of whether the Appellant's use of "Shower Boulevard" rather than "Sower Boulevard" caused the OSME not to receive it. Accordingly, the Office cannot find that the OSME violated the Act by failing to respond in writing within five business days of receiving the Appellant's April 17 request because the Office cannot resolve the related factual dispute between the parties regarding whether or when the OSME received that request.

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

#405

Distributed to:

James Harrison, #095435
Nathan Goens, Assistant General Counsel, JPSC
Charles B. Bates, Staff Attorney III, JPSC
Sara Talarigo, Paralegal, JPSC
Ann Smith, Executive Staff Advisor, JPSC