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Wed, Oct 26, 2022 at 8:58 AM

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From: **Timothy Todd** <ttodd@murraystate.edu>

Date: Thu, Apr 14, 2022 at 5:15 PM

Subject: Fwd: [Redacted]

To: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]

Date: April 14, 2022 at 10:52:42 AM CDT

To: Timothy Todd <ttodd@murraystate.edu>, David Eaton <deaton@murraystate.edu>

Subject: [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Apr 14, 2022 at 10:29 AM
Subject: [REDACTED]
To: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Craig, Danielle** <DanielleCraig@kycourts.net>
Date: Mon, Apr 4, 2022 at 9:01 AM

Subject: RE: WKMS Public Radio - Open Records Request
To: Liam Niemeyer <lniemeyer1@murraystate.edu>, OpenRecords <openrecords@kycourts.net>

Mr. Niemeyer,

Attached is the response of the Administrative Office of the Courts to your request dated March 30, 2022 wherein you requested “[v]ideo recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST”.

I hope you find this information helpful.

Thank you,

Danielle M. Craig
Program Project Coordinator
Office of Finance and Administration
Administrative Office of the Courts
[1001 Vandalay Drive](#)
[Frankfort, Kentucky 40601](#)
502-573-2350 ext. 50723
DanielleCraig@kycourts.net
Website: kycourts.gov

From: Liam Niemeyer <lniemeyer1@murraystate.edu>
Sent: Wednesday, March 30, 2022 2:50 PM
To: OpenRecords <openrecords@kycourts.net>
Subject: WKMS Public Radio - Open Records Request

Note: This email originated from outside the Kentucky Courts. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Attached is a PDF detailing an open records request. Please let me know if you have any questions, and thank you for the prompt consideration with this request.

As always,

Liam Niemeyer

Ohio Valley Resource Reporter/Asst. News Director @ WKMS Public Radio

<https://ohiovalleyresource.org>

Work: 270-809-4744

Cell: [REDACTED]

3 attachments



Niemeyer, Liam Response 4.4.22.pdf

117K



AP Part XVII- Open Records Policy (2017-09).pdf

126K



3-30 AOC ORA Request, WKMS Public Radio (1).pdf

95K



Administrative Office of the Courts

1001 Vandalay Drive
Frankfort, Kentucky 40601
502-573-2350 or 800-928-2350
www.courts.ky.gov

John D. Minton, Jr.
Chief Justice of Kentucky

Laurie K. Givens
Director

April 4, 2022

Liam Niemeyer, WKMS News
2018 University Station
Murray, KY 42071

VIA EMAIL TO: lniemeyer1@murraystate.edu

Mr. Niemeyer,

This is the response of the Administrative Office of the Courts to your request dated March 30, 2022 wherein you requested “[v]ideo recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST.”

Pursuant to KRS 26A.200, all records which are made by, generated for, or received by any agency of the Kentucky Court of Justice (KCOJ) are the property of the KCOJ and are subject to the control of the Kentucky Supreme Court. They are not subject to the statutory regulation, including the Kentucky Open Records Act. Ex Parte Farley, 570 S.W.2d 617 (Ky.1978). Even though court records are not subject to the Kentucky Open Records Act, the KCOJ endeavors to accommodate all requests for records unless the request is overly burdensome or disruptive to court business.

Access to AOC administrative records is governed by Supreme Court Order 2017-09, which constitutes the Open Records Policy of the Administrative Office of the Courts (“AOC Open Records Policy”), attached. The AOC Open Records Policy, with exceptions, makes the administrative records of the AOC open for public access. “Administrative Record” means documents, papers, discs, recordings, or other documentation, regardless of physical form or characteristics, created, received, or maintained by the AOC pertaining to the administration of the Court of Justice and not associated with any particular court case or cases.

For its response, the AOC states the following:

Your request is denied in accordance with Section 4(1)(p) of the AOC Open Records Policy which exempts from disclosure “documents, records, or information including, but not limited to, security plans or security recordings, the disclosure of which could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court’s facilities, records or the court’s administration or justice and its operations.”

A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days from the date of the decision.

Sincerely,

A handwritten signature in cursive script that reads "Laurie K. Givens". The signature is written in black ink and is positioned below the word "Sincerely,".

Laurie K. Givens
Director, Administrative Office of the Courts

Supreme Court of Kentucky

2017-09

**IN RE: ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE,
PART XVII, OPEN RECORDS POLICY OF THE
ADMINISTRATIVE OFFICE OF THE COURTS**

Pursuant to Sections 110(5)(b) and 116 of the Constitution of Kentucky and KRS 26A.200, it is HEREBY ORDERED that the Administrative Procedures of the Court of Justice are amended by the addition of the following Part XVII, Open Records Policy of the Administrative Office of the Courts:

Section 1. Statement of Purpose

This administrative procedure constitutes the Open Records Policy of the Administrative Office of the Courts (AOC) and governs access by the public to the administrative records of the AOC.

Section 2. Definitions

For purposes of this administrative procedure, unless the context or subject matter otherwise requires:

- (1) “Administrative Record” means documents, papers, discs, recordings, or other documentation, regardless of physical form or characteristics, created, received, or maintained by the AOC pertaining to the administration of the Court of Justice and not associated with any particular court case or cases. “Administrative records” do not include case records or compiled information.
- (2) “AOC” means the Administrative Office of the Courts. This definition does not include the Supreme Court, Court of Appeals, Circuit Court, District Court, the Kentucky Office of Bar Admissions, the Judicial Conduct Commission, the Judicial Ethics Commission, or the Kentucky Bar Association and any of its affiliated entities.
- (3) “Commercial purpose” means the direct or indirect use of any part of an administrative record or records, in any form, for sale, resale, solicitation, rent or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

- (a) “Commercial purpose” shall not include:
 - (i) Publication or related use of an administrative record by a newspaper, periodical, radio station, television station, or other media entity engaged in the aggregation, generation, and dissemination of reports on issues of public interest; or
 - (ii) Use of an administrative record in the preparation for prosecution or defense of litigation, or claims settled by the parties to such action, or the attorneys representing the parties.
- (4) “Case Record” means documents, papers, discs, recordings, or other documentation created, received, or maintained by a court, court agency, or court clerk in connection with a particular court case or cases.
- (5) “Compiled information” means statistical information that is derived from the selection, aggregation, or re-formation of some or all or a subset of all the information from more than one individual case record in electronic form. Statistical reports are available from the Division of Research and Statistics and can be requested on the Court of Justice website at www.courts.ky.gov.
- (6) “Court of Justice” means the Kentucky Court of Justice as defined in Section 109 of the Kentucky Constitution.
- (7) “Court” means the Kentucky Supreme Court, Court of Appeals, Circuit Court, Family Court, and District Court.
- (8) “Custodian” means the Director of AOC or designee.
- (9) “Public access” means the process whereby a person may inspect and/or obtain copies of an administrative record.
- (10) “Terrorist act” means a criminal act intended to:
 - (a) Intimidate or coerce a government entity or all or part of the civilian population;
 - (b) Disrupt a system identified in Section 4(1)(f); or
 - (c) Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a government entity.

Section 3. Retention Schedule

The retention of records shall be governed by the AOC and the Court of Justice Records Retention Schedules. The KCOJ Records Retention Schedules are available on the Supreme Court's Rules & Procedures page of the Court of Justice website at www.courts.ky.gov.

Section 4. General Public Access to Administrative Records of the AOC

- (1) Administrative records. Administrative records of the AOC are open for public access except the following:
 - (a) Records and information the disclosure of which is prohibited by federal law or regulation;
 - (b) Records and information the disclosure of which is prohibited or restricted or otherwise made confidential by Kentucky law or court order;
 - (c) Records which constitute the following:
 - (i) Preliminary and draft reports, documents, records, evaluations, investigations, and audits or compliance reviews, including materials prepared by a consultant;
 - (ii) Advisory opinions, recommendations, notes, drafts, work product, and deliberations relied upon to make decisions, take official actions, or formulate policy and procedure;
 - (iii) Notes, outlines, memoranda, and similar preliminary materials;
 - (iv) Any correspondence transmitted by any means, including electronic, that is not a formal declaration of policy or procedures, or is not intended to give notice of a final official action, or is not a formal record of a transaction or a receipt;
 - (v) The work product of any attorney employed by or representing the Court of Justice generated in the regular course of business or representation of the Court of Justice;

- (d) Legal research and analysis;
- (e) Records containing information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (f) Records, the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:
 - (i) Criticality lists resulting from consequence assessments;
 - (ii) Vulnerability assessments;
 - (iii) Antiterrorism protective measures and plans;
 - (iv) Counterterrorism measures and plans;
 - (v) Security and response needs assessments;
 - (vi) Infrastructure records that expose a vulnerability referred to in this subsection through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
- (g) The following records when their disclosure will expose a vulnerability referred to in subsection (f) of this section: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a government entity;
- (h) Records when their disclosure will expose a vulnerability referred to in subsection (f) and that describe the exact physical location of hazardous chemical, radiological, or biological materials;
- (i) Test questions, scoring keys, and other examination data used in administering examinations for employment or elected office;

- (j) Test scores of a person if the person is identified by name and has not consented to the release of his or her scores;
- (k) With respect to the Circuit Court Clerk's examination administered pursuant to Section 100 of the Kentucky Constitution and SCR 1.060, the following information will not be disclosed: Names of examination registrants, names of unsuccessful examinees, examination scores, examination questions, scoring keys, and any materials used in the development and preparation of the examination;
- (l) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the Court of Justice or other government entity relative to acquisition of property, until such time as all of the property has been acquired;
- (m) Any information or files the disclosure of which is prohibited by the Personnel Policies for the Kentucky Court of Justice (Administrative Procedures of the Court of Justice Part III);
- (n) Any document or record protected by attorney/client privilege;
- (o) Email addresses of justices, judges, and their staff;
- (p) Documents, records, or information including, but not limited to, security plans or security recordings, the disclosure of which could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court's facilities, records, or the court's administration of justice and its operations;
- (q) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal;
- (r) Administrative or technical information the disclosure of which would jeopardize a record-keeping or security system;
- (s) Computer programs, computer codes, computer filing systems, or other software that are developed or owned by or licensed to the Court of Justice or entrusted to it;
- (t) Lists of employees of the Court of Justice, if requested for a commercial purpose;

- (u) Records confidentially disclosed to the AOC or required by the AOC to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.
- (2) Personal identifying information, including social security numbers, drivers' license numbers, dates of birth, home addresses, personal email addresses, personal phone numbers, passwords, and financial account numbers, should be redacted from administrative records prior to complying with a request for public access.
- (3) Case records. Requests for case records or case-related information must be made to the clerk of the applicable court.

Section 5. Denial of Public Access for Cause.

The custodian may deny access, in whole or in part, to administrative records:

- (1) When the request to inspect places an unreasonable burden in producing administrative records or otherwise disrupts or compromises the business of the court, or when the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Court of Justice. However, refusal under this paragraph must be sustained by clear and convincing evidence;
- (2) When the request to inspect is advanced primarily for a commercial purpose of the requesting entity and the request does not advance primarily a public interest or a legitimate private interest; or
- (3) To any individual who has previously been convicted of stealing, destroying, defacing, or tampering with records or has refused to comply with statutes or court rules, policies, or orders concerning records.

Section 6. Procedure for Public Access to Administrative Records

- (1) All requests for public access to administrative records must be in writing, must specifically describe the record(s) to be inspected, and must be signed by the requestor. The requestor's name must also be printed legibly on the request. The request must be hand-delivered, mailed, emailed, or delivered via other means approved by the AOC to the custodian of the records. The AOC may develop and make available a form for requests for public access to administrative records.

- (2) The written request must include identifiers to assist the custodian in locating the records. If a specific record cannot be located due to lack of adequate identifiers, the requestor must be advised by the custodian as to what identifiers are needed.
- (3) If the custodian does not have custody or control of the record(s) requested, he or she will notify the requestor and furnish the name and location of the person or agency having custody of the records, if known. The response time will not begin to run until the custodian of records receives the written inspection request.
- (4) The custodian, upon a request for public access to administrative records under this Open Records Policy, must determine within three days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request whether to comply with the request and must notify in writing the person making the request, within the three day period, of his or her decision. A response complying with the request for administrative records will include an estimate of the copy fee and the cost of mailing. A response denying, in whole or in part, inspection of any record 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.
 - (a) A requestor may receive copies of administrative records from the AOC through the mail or in person. The AOC may charge a reasonable fee for making copies of administrative records, which should represent the actual cost of reproduction incurred by the AOC, not including the cost of staff required, but in any event not less than \$0.10 per page. The cost for copies of administrative records other than documents shall be in accordance with court rule.
 - i. All copy fees, including mailing costs if applicable, must be paid prior to a requestor receiving copies of administrative records.
 - ii. If the custodian believes that the costs may exceed \$100, the custodian may prepare an estimate of the costs and notify the requestor to determine whether the requestor wishes to proceed.
 - (b) A requestor may inspect administrative records in the presence of an AOC employee upon providing photo identification.

- (5) If the administrative record is in active use, in storage, or not otherwise available, the custodian must immediately notify the requestor of the earliest date on which the administrative record will be available for public access.
- (6) The custodian will not be required to compile information or create lists.

Section 7. Reconsideration of Denial of Public Access to Administrative Records

- (1) A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days from the date of the decision.
- (2) If the Chief Justice sustains the decision denying public access, a request for reconsideration may be made to the full Supreme Court, in the form of a letter, within 10 days from the date of decision.

This Order shall be effective August 15, 2017, and until further Order of this Court.

Entered: August 10, 2017.


CHIEF JUSTICE

All sitting; all concur.

Liam Niemeyer, WKMS News
2018 University Station
Murray, KY 42071

March, 30, 2022

Kentucky Administrative Office of the Courts
1001 Vandalay Drive
Frankfort, KY 40601



To Whom It May Concern,

Under the Kentucky Open Records Act (KRS 61.870 to KRS 61.884), I am requesting an opportunity to obtain copies of public records of:

- Video recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST.

I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is of public interest and will contribute significantly to the public's understanding of publicly-funded institutions and newsworthy events. WKMS is a nonprofit, public radio service, and our request is related to journalistic purposes.

This information is not being sought for commercial purposes.

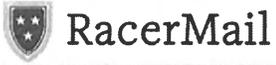
The Kentucky Open Records Act requires a response to this request be made within **five business days**, though any effort to provide a response before that time limit would be appreciated. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies of the requested records and the reasoning for the delay.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. Thank you for considering my request.

Sincerely,
Liam Niemeyer
WKMS Public Radio Assistant News Director

lniemeyer1@murraystate.edu

270-809-4744



Timothy Todd <ttodd@murraystate.edu>

email | calendar | drive

[REDACTED]

Thu, Apr 14, 2022 at 10:52 AM

To: Timothy Todd <ttodd@murraystate.edu>, David Eaton <deaton@murraystate.edu>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Apr 14, 2022 at 10:29 AM
Subject: [REDACTED]
To: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Craig, Danielle** <DanielleCraig@kycourts.net>

Date: Mon, Apr 4, 2022 at 9:01 AM

Subject: RE: WKMS Public Radio - Open Records Request

To: Liam Niemeyer <lniemeyer1@murraystate.edu>, OpenRecords <openrecords@kycourts.net>

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I hope you find this information helpful.

Thank you,

Danielle M. Craig

Program Project Coordinator

Office of Finance and Administration

Administrative Office of the Courts

1001 Vandalay Drive

Frankfort, Kentucky 40601

502-573-2350 ext. 50723

DanielleCraig@kycourts.net

Website: kycourts.gov

From: Liam Niemeyer <lniemeyer1@murraystate.edu>

Sent: Wednesday, March 30, 2022 2:50 PM

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<https://ohiovalleyresource.org>

Work: 270-809-4744

Cell: [REDACTED]

3 attachments



Niemeyer, Liam Response 4.4.22.pdf

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AP Part XVII- Open Records Policy (2017-09).pdf

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3-30 AOC ORA Request, WKMS Public Radio (1).pdf

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March, 30, 2022

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WKMS Public Radio Assistant News Director

lniemeyer1@murraystate.edu

270-809-4744



Administrative Office of the Courts

1001 Vandalay Drive
Frankfort, Kentucky 40601
502-573-2350 or 800-928-2350
www.courts.ky.gov

John D. Minton, Jr.
Chief Justice of Kentucky

Laurie K. Givens
Director

April 4, 2022

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2018 University Station
Murray, KY 42071

VIA EMAIL TO: lniemeyer1@murraystate.edu

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Supreme Court of Kentucky

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**IN RE: ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE,
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Pursuant to Sections 110(5)(b) and 116 of the Constitution of Kentucky and KRS 26A.200, it is HEREBY ORDERED that the Administrative Procedures of the Court of Justice are amended by the addition of the following Part XVII, Open Records Policy of the Administrative Office of the Courts:

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 - (v) The work product of any attorney employed by or representing the Court of Justice generated in the regular course of business or representation of the Court of Justice;

- (2) The written request must include identifiers to assist the custodian in locating the records. If a specific record cannot be located due to lack of adequate identifiers, the requestor must be advised by the custodian as to what identifiers are needed.
- (3) If the custodian does not have custody or control of the record(s) requested, he or she will notify the requestor and furnish the name and location of the person or agency having custody of the records, if known. The response time will not begin to run until the custodian of records receives the written inspection request.
- (4) The custodian, upon a request for public access to administrative records under this Open Records Policy, must determine within three days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request whether to comply with the request and must notify in writing the person making the request, within the three day period, of his or her decision. A response complying with the request for administrative records will include an estimate of the copy fee and the cost of mailing. A response denying, in whole or in part, inspection of any record 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.
 - (a) A requestor may receive copies of administrative records from the AOC through the mail or in person. The AOC may charge a reasonable fee for making copies of administrative records, which should represent the actual cost of reproduction incurred by the AOC, not including the cost of staff required, but in any event not less than \$0.10 per page. The cost for copies of administrative records other than documents shall be in accordance with court rule.
 - i. All copy fees, including mailing costs if applicable, must be paid prior to a requestor receiving copies of administrative records.
 - ii. If the custodian believes that the costs may exceed \$100, the custodian may prepare an estimate of the costs and notify the requestor to determine whether the requestor wishes to proceed.
 - (b) A requestor may inspect administrative records in the presence of an AOC employee upon providing photo identification.

- (d) Legal research and analysis;
- (e) Records containing information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (f) Records, the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:
 - (i) Criticality lists resulting from consequence assessments;
 - (ii) Vulnerability assessments;
 - (iii) Antiterrorism protective measures and plans;
 - (iv) Counterterrorism measures and plans;
 - (v) Security and response needs assessments;
 - (vi) Infrastructure records that expose a vulnerability referred to in this subsection through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
- (g) The following records when their disclosure will expose a vulnerability referred to in subsection (f) of this section: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a government entity;
- (h) Records when their disclosure will expose a vulnerability referred to in subsection (f) and that describe the exact physical location of hazardous chemical, radiological, or biological materials;
- (i) Test questions, scoring keys, and other examination data used in administering examinations for employment or elected office;

- (j) Test scores of a person if the person is identified by name and has not consented to the release of his or her scores;
- (k) With respect to the Circuit Court Clerk's examination administered pursuant to Section 100 of the Kentucky Constitution and SCR 1.060, the following information will not be disclosed: Names of examination registrants, names of unsuccessful examinees, examination scores, examination questions, scoring keys, and any materials used in the development and preparation of the examination;
- (l) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the Court of Justice or other government entity relative to acquisition of property, until such time as all of the property has been acquired;
- (m) Any information or files the disclosure of which is prohibited by the Personnel Policies for the Kentucky Court of Justice (Administrative Procedures of the Court of Justice Part III);
- (n) Any document or record protected by attorney/client privilege;
- (o) Email addresses of justices, judges, and their staff;
- (p) Documents, records, or information including, but not limited to, security plans or security recordings, the disclosure of which could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court's facilities, records, or the court's administration of justice and its operations;
- (q) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal;
- (r) Administrative or technical information the disclosure of which would jeopardize a record-keeping or security system;
- (s) Computer programs, computer codes, computer filing systems, or other software that are developed or owned by or licensed to the Court of Justice or entrusted to it;
- (t) Lists of employees of the Court of Justice, if requested for a commercial purpose;

- (u) Records confidentially disclosed to the AOC or required by the AOC to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.
- (2) Personal identifying information, including social security numbers, drivers' license numbers, dates of birth, home addresses, personal email addresses, personal phone numbers, passwords, and financial account numbers, should be redacted from administrative records prior to complying with a request for public access.
- (3) Case records. Requests for case records or case-related information must be made to the clerk of the applicable court.

Section 5. Denial of Public Access for Cause.

The custodian may deny access, in whole or in part, to administrative records:

- (1) When the request to inspect places an unreasonable burden in producing administrative records or otherwise disrupts or compromises the business of the court, or when the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Court of Justice. However, refusal under this paragraph must be sustained by clear and convincing evidence;
- (2) When the request to inspect is advanced primarily for a commercial purpose of the requesting entity and the request does not advance primarily a public interest or a legitimate private interest; or
- (3) To any individual who has previously been convicted of stealing, destroying, defacing, or tampering with records or has refused to comply with statutes or court rules, policies, or orders concerning records.

Section 6. Procedure for Public Access to Administrative Records

- (1) All requests for public access to administrative records must be in writing, must specifically describe the record(s) to be inspected, and must be signed by the requestor. The requestor's name must also be printed legibly on the request. The request must be hand-delivered, mailed, emailed, or delivered via other means approved by the AOC to the custodian of the records. The AOC may develop and make available a form for requests for public access to administrative records.

- (5) If the administrative record is in active use, in storage, or not otherwise available, the custodian must immediately notify the requestor of the earliest date on which the administrative record will be available for public access.
- (6) The custodian will not be required to compile information or create lists.

Section 7. Reconsideration of Denial of Public Access to Administrative Records

- (1) A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days from the date of the decision.
- (2) If the Chief Justice sustains the decision denying public access, a request for reconsideration may be made to the full Supreme Court, in the form of a letter, within 10 days from the date of decision.

This Order shall be effective August 15, 2017, and until further Order of this Court.

Entered: August 10, 2017.


CHIEF JUSTICE

All sitting; all concur.



email | calendar | drive

Timothy Todd <ttodd@murraystate.edu>

[REDACTED]

Timothy Todd <ttodd@murraystate.edu> Thu, Apr 14, 2022 at 5:10 PM

To: [REDACTED]

Bcc: ttodd@murraystate.edu

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Date: April 14, 2022 at 10:52:42 AM CDT

To: Timothy Todd <ttodd@murraystate.edu>, David Eaton <deaton@murraystate.edu>

Subject: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Timothy Todd <ttodd@murraystate.edu>

email | calendar | drive

[REDACTED]

[REDACTED]
To: Timothy Todd <ttodd@murraystate.edu>

Fri, Oct 7, 2022 at 1:16 PM

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Date: October 7, 2022 at 12:57:34 PM CDT

To: [REDACTED]

Subject: [REDACTED]



Timothy Todd <ttodd@murraystate.edu>

email | calendar | drive

[REDACTED]

Timothy Todd <ttodd@murraystate.edu>

Mon, Oct 10, 2022 at 11:22 AM

To: [REDACTED]
Cc: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 10:48 AM [REDACTED] wrote:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 9:57 AM Timothy Todd <ttodd@murraystate.edu> wrote:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: [REDACTED]

Date: Mon, Oct 10, 2022 at 9:47 AM

Subject: [REDACTED]

To: Timothy Todd <ttodd@murraystate.edu>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

--
[REDACTED]

[REDACTED]

[REDACTED]



email | calendar | drive

Timothy Todd <ttodd@murraystate.edu>

media inquiry on deadline

Jess Clark <jclark@lpm.org>

Mon, Oct 10, 2022 at 11:30 AM

To: ttodd@murraystate.edu, thunt2@murraystate.edu

Hello Dr. Todd and Jill,

I'm a reporter with WFPL and the Kentucky Public Radio, reporting on the judicial Conduct commission's latest sanctions against Judge Jameson.

According to the complaint, Judge Jameson contacted President Jackson who was allegedly "not happy" that WKMS had filed a records request for footage showing Judge Jameson in his underwear at the courthouse.

The provost also reached out to WKMS seeking information about the records request, according to the complaint.

We're running a story this afternoon on the judge's attempt to use his pull with Murray State administration to quash the story. If you would like to provide any context as to why administration sought information from WKMS staff about the records request, please respond by 3 pm today.

Thank you,



Timothy Todd <ttodd@murraystate.edu>

email | calendar | drive

[REDACTED]

Mon, Oct 10, 2022 at 2:58 PM

To: Timothy Todd <ttodd@murraystate.edu>

Cc: [REDACTED], Shawn Touney <stouney@murraystate.edu>, David Eaton <deaton@murraystate.edu>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 2:26 PM Timothy Todd <ttodd@murraystate.edu> wrote:

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 1:54 PM [REDACTED] wrote:

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 12:07 PM [REDACTED] > wrote:

[REDACTED]

[REDACTED]

[REDACTED]

On Mon, Oct 10, 2022 at 11:46 AM [REDACTED] > wrote:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

--
[REDACTED]

[REDACTED]

--
[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

Tue, Oct 25, 2022 at 11:40 AM

To: [Redacted]

----- Forwarded message -----

From: [Redacted]
Date: Thu, Apr 14, 2022 at 10:52 AM
Subject: [Redacted]
To: Timothy Todd <ttodd@murraystate.edu>, David Eaton <deaton@murraystate.edu>

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

----- Forwarded message -----

From: [Redacted]
Date: Thu, Apr 14, 2022 at 10:29 AM
Subject: [Redacted]
To: [Redacted]

----- Forwarded message -----

From: **Craig, Danielle** <DanielleCraig@kycourts.net>

Date: Mon, Apr 4, 2022 at 9:01 AM

Subject: RE: WKMS Public Radio - Open Records Request

To: Liam Niemeyer <lniemeyer1@murraystate.edu>, OpenRecords <openrecords@kycourts.net>

Mr. Niemeyer,

Attached is the response of the Administrative Office of the Courts to your request dated March 30, 2022 wherein you requested “[v]ideo recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST”.

I hope you find this information helpful.

Thank you,

Danielle M. Craig

Program Project Coordinator

Office of Finance and Administration

Administrative Office of the Courts

[1001 Vandalay Drive](#)

[Frankfort, Kentucky 40601](#)

502-573-2350 ext. 50723

DanielleCraig@kycourts.net

Website: kycourts.gov

From: Liam Niemeyer <lniemeyer1@murraystate.edu>

Sent: Wednesday, March 30, 2022 2:50 PM

To: OpenRecords <openrecords@kycourts.net>
Subject: WKMS Public Radio - Open Records Request

Note: This email originated from outside the Kentucky Courts. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Attached is a PDF detailing an open records request. Please let me know if you have any questions, and thank you for the prompt consideration with this request.

As always,

Liam Niemeyer

Ohio Valley Resource Reporter/Asst. News Director @ WKMS Public Radio

<https://ohiovalleyresource.org>

Work: 270-809-4744

Cell: [REDACTED]

--

David Eaton
Dean, Arthur J. Bauernfeind College of Business
270-809-4183

3 attachments

-  **Niemeyer, Liam Response 4.4.22.pdf**
117K
-  **AP Part XVII- Open Records Policy (2017-09).pdf**
126K
-  **3-30 AOC ORA Request, WKMS Public Radio (1).pdf**
95K



Administrative Office of the Courts

1001 Vandalay Drive
Frankfort, Kentucky 40601
502-573-2350 or 800-928-2350
www.courts.ky.gov

John D. Minton, Jr.
Chief Justice of Kentucky

Laurie K. Givens
Director

April 4, 2022

Liam Niemeyer, WKMS News
2018 University Station
Murray, KY 42071

VIA EMAIL TO: lniemeyer1@murraystate.edu

Mr. Niemeyer,

This is the response of the Administrative Office of the Courts to your request dated March 30, 2022 wherein you requested “[v]ideo recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST.”

Pursuant to KRS 26A.200, all records which are made by, generated for, or received by any agency of the Kentucky Court of Justice (KCOJ) are the property of the KCOJ and are subject to the control of the Kentucky Supreme Court. They are not subject to the statutory regulation, including the Kentucky Open Records Act. Ex Parte Farley, 570 S.W.2d 617 (Ky.1978). Even though court records are not subject to the Kentucky Open Records Act, the KCOJ endeavors to accommodate all requests for records unless the request is overly burdensome or disruptive to court business.

Access to AOC administrative records is governed by Supreme Court Order 2017-09, which constitutes the Open Records Policy of the Administrative Office of the Courts (“AOC Open Records Policy”), attached. The AOC Open Records Policy, with exceptions, makes the administrative records of the AOC open for public access. “Administrative Record” means documents, papers, discs, recordings, or other documentation, regardless of physical form or characteristics, created, received, or maintained by the AOC pertaining to the administration of the Court of Justice and not associated with any particular court case or cases.

For its response, the AOC states the following:

Your request is denied in accordance with Section 4(1)(p) of the AOC Open Records Policy which exempts from disclosure “documents, records, or information including, but not limited to, security plans or security recordings, the disclosure of which could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court’s facilities, records or the court’s administration or justice and its operations.”

A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days from the date of the decision.

Sincerely,

A handwritten signature in cursive script that reads "Laurie K. Givens". The signature is written in black ink and is positioned below the word "Sincerely,".

Laurie K. Givens
Director, Administrative Office of the Courts

Supreme Court of Kentucky

2017-09

**IN RE: ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE,
PART XVII, OPEN RECORDS POLICY OF THE
ADMINISTRATIVE OFFICE OF THE COURTS**

Pursuant to Sections 110(5)(b) and 116 of the Constitution of Kentucky and KRS 26A.200, it is HEREBY ORDERED that the Administrative Procedures of the Court of Justice are amended by the addition of the following Part XVII, Open Records Policy of the Administrative Office of the Courts:

Section 1. Statement of Purpose

This administrative procedure constitutes the Open Records Policy of the Administrative Office of the Courts (AOC) and governs access by the public to the administrative records of the AOC.

Section 2. Definitions

For purposes of this administrative procedure, unless the context or subject matter otherwise requires:

- (1) “Administrative Record” means documents, papers, discs, recordings, or other documentation, regardless of physical form or characteristics, created, received, or maintained by the AOC pertaining to the administration of the Court of Justice and not associated with any particular court case or cases. “Administrative records” do not include case records or compiled information.
- (2) “AOC” means the Administrative Office of the Courts. This definition does not include the Supreme Court, Court of Appeals, Circuit Court, District Court, the Kentucky Office of Bar Admissions, the Judicial Conduct Commission, the Judicial Ethics Commission, or the Kentucky Bar Association and any of its affiliated entities.
- (3) “Commercial purpose” means the direct or indirect use of any part of an administrative record or records, in any form, for sale, resale, solicitation, rent or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee.

- (a) “Commercial purpose” shall not include:
 - (i) Publication or related use of an administrative record by a newspaper, periodical, radio station, television station, or other media entity engaged in the aggregation, generation, and dissemination of reports on issues of public interest; or
 - (ii) Use of an administrative record in the preparation for prosecution or defense of litigation, or claims settled by the parties to such action, or the attorneys representing the parties.

- (4) “Case Record” means documents, papers, discs, recordings, or other documentation created, received, or maintained by a court, court agency, or court clerk in connection with a particular court case or cases.

- (5) “Compiled information” means statistical information that is derived from the selection, aggregation, or re-formation of some or all or a subset of all the information from more than one individual case record in electronic form. Statistical reports are available from the Division of Research and Statistics and can be requested on the Court of Justice website at www.courts.ky.gov.

- (6) “Court of Justice” means the Kentucky Court of Justice as defined in Section 109 of the Kentucky Constitution.

- (7) “Court” means the Kentucky Supreme Court, Court of Appeals, Circuit Court, Family Court, and District Court.

- (8) “Custodian” means the Director of AOC or designee.

- (9) “Public access” means the process whereby a person may inspect and/or obtain copies of an administrative record.

- (10) “Terrorist act” means a criminal act intended to:
 - (a) Intimidate or coerce a government entity or all or part of the civilian population;
 - (b) Disrupt a system identified in Section 4(1)(f); or
 - (c) Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a government entity.

Section 3. Retention Schedule

The retention of records shall be governed by the AOC and the Court of Justice Records Retention Schedules. The KCOJ Records Retention Schedules are available on the Supreme Court's Rules & Procedures page of the Court of Justice website at www.courts.ky.gov.

Section 4. General Public Access to Administrative Records of the AOC

- (1) Administrative records. Administrative records of the AOC are open for public access except the following:
 - (a) Records and information the disclosure of which is prohibited by federal law or regulation;
 - (b) Records and information the disclosure of which is prohibited or restricted or otherwise made confidential by Kentucky law or court order;
 - (c) Records which constitute the following:
 - (i) Preliminary and draft reports, documents, records, evaluations, investigations, and audits or compliance reviews, including materials prepared by a consultant;
 - (ii) Advisory opinions, recommendations, notes, drafts, work product, and deliberations relied upon to make decisions, take official actions, or formulate policy and procedure;
 - (iii) Notes, outlines, memoranda, and similar preliminary materials;
 - (iv) Any correspondence transmitted by any means, including electronic, that is not a formal declaration of policy or procedures, or is not intended to give notice of a final official action, or is not a formal record of a transaction or a receipt;
 - (v) The work product of any attorney employed by or representing the Court of Justice generated in the regular course of business or representation of the Court of Justice;

- (d) Legal research and analysis;
- (e) Records containing information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (f) Records, the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:
 - (i) Criticality lists resulting from consequence assessments;
 - (ii) Vulnerability assessments;
 - (iii) Antiterrorism protective measures and plans;
 - (iv) Counterterrorism measures and plans;
 - (v) Security and response needs assessments;
 - (vi) Infrastructure records that expose a vulnerability referred to in this subsection through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
- (g) The following records when their disclosure will expose a vulnerability referred to in subsection (f) of this section: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a government entity;
- (h) Records when their disclosure will expose a vulnerability referred to in subsection (f) and that describe the exact physical location of hazardous chemical, radiological, or biological materials;
- (i) Test questions, scoring keys, and other examination data used in administering examinations for employment or elected office;

- (j) Test scores of a person if the person is identified by name and has not consented to the release of his or her scores;
- (k) With respect to the Circuit Court Clerk's examination administered pursuant to Section 100 of the Kentucky Constitution and SCR 1.060, the following information will not be disclosed: Names of examination registrants, names of unsuccessful examinees, examination scores, examination questions, scoring keys, and any materials used in the development and preparation of the examination;
- (l) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the Court of Justice or other government entity relative to acquisition of property, until such time as all of the property has been acquired;
- (m) Any information or files the disclosure of which is prohibited by the Personnel Policies for the Kentucky Court of Justice (Administrative Procedures of the Court of Justice Part III);
- (n) Any document or record protected by attorney/client privilege;
- (o) Email addresses of justices, judges, and their staff;
- (p) Documents, records, or information including, but not limited to, security plans or security recordings, the disclosure of which could jeopardize the safety of judges, court staff, jurors, or the public, or could jeopardize the integrity of the court's facilities, records, or the court's administration of justice and its operations;
- (q) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal;
- (r) Administrative or technical information the disclosure of which would jeopardize a record-keeping or security system;
- (s) Computer programs, computer codes, computer filing systems, or other software that are developed or owned by or licensed to the Court of Justice or entrusted to it;
- (t) Lists of employees of the Court of Justice, if requested for a commercial purpose;

- (u) Records confidentially disclosed to the AOC or required by the AOC to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.
- (2) Personal identifying information, including social security numbers, drivers' license numbers, dates of birth, home addresses, personal email addresses, personal phone numbers, passwords, and financial account numbers, should be redacted from administrative records prior to complying with a request for public access.
- (3) Case records. Requests for case records or case-related information must be made to the clerk of the applicable court.

Section 5. Denial of Public Access for Cause.

The custodian may deny access, in whole or in part, to administrative records:

- (1) When the request to inspect places an unreasonable burden in producing administrative records or otherwise disrupts or compromises the business of the court, or when the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Court of Justice. However, refusal under this paragraph must be sustained by clear and convincing evidence;
- (2) When the request to inspect is advanced primarily for a commercial purpose of the requesting entity and the request does not advance primarily a public interest or a legitimate private interest; or
- (3) To any individual who has previously been convicted of stealing, destroying, defacing, or tampering with records or has refused to comply with statutes or court rules, policies, or orders concerning records.

Section 6. Procedure for Public Access to Administrative Records

- (1) All requests for public access to administrative records must be in writing, must specifically describe the record(s) to be inspected, and must be signed by the requestor. The requestor's name must also be printed legibly on the request. The request must be hand-delivered, mailed, emailed, or delivered via other means approved by the AOC to the custodian of the records. The AOC may develop and make available a form for requests for public access to administrative records.

- (2) The written request must include identifiers to assist the custodian in locating the records. If a specific record cannot be located due to lack of adequate identifiers, the requestor must be advised by the custodian as to what identifiers are needed.
- (3) If the custodian does not have custody or control of the record(s) requested, he or she will notify the requestor and furnish the name and location of the person or agency having custody of the records, if known. The response time will not begin to run until the custodian of records receives the written inspection request.
- (4) The custodian, upon a request for public access to administrative records under this Open Records Policy, must determine within three days, excepting Saturdays, Sundays, and legal holidays, after the receipt of any such request whether to comply with the request and must notify in writing the person making the request, within the three day period, of his or her decision. A response complying with the request for administrative records will include an estimate of the copy fee and the cost of mailing. A response denying, in whole or in part, inspection of any record 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.
 - (a) A requestor may receive copies of administrative records from the AOC through the mail or in person. The AOC may charge a reasonable fee for making copies of administrative records, which should represent the actual cost of reproduction incurred by the AOC, not including the cost of staff required, but in any event not less than \$0.10 per page. The cost for copies of administrative records other than documents shall be in accordance with court rule.
 - i. All copy fees, including mailing costs if applicable, must be paid prior to a requestor receiving copies of administrative records.
 - ii. If the custodian believes that the costs may exceed \$100, the custodian may prepare an estimate of the costs and notify the requestor to determine whether the requestor wishes to proceed.
 - (b) A requestor may inspect administrative records in the presence of an AOC employee upon providing photo identification.

- (5) If the administrative record is in active use, in storage, or not otherwise available, the custodian must immediately notify the requestor of the earliest date on which the administrative record will be available for public access.
- (6) The custodian will not be required to compile information or create lists.

Section 7. Reconsideration of Denial of Public Access to Administrative Records

- (1) A request for reconsideration of a decision denying public access to administrative records may be made to the Chief Justice of Kentucky, in the form of a detailed letter, within 30 days from the date of the decision.
- (2) If the Chief Justice sustains the decision denying public access, a request for reconsideration may be made to the full Supreme Court, in the form of a letter, within 10 days from the date of decision.

This Order shall be effective August 15, 2017, and until further Order of this Court.

Entered: August 10, 2017.


CHIEF JUSTICE

All sitting; all concur.

Liam Niemeyer, WKMS News
2018 University Station
Murray, KY 42071

March, 30, 2022

Kentucky Administrative Office of the Courts
1001 Vandalay Drive
Frankfort, KY 40601



To Whom It May Concern,

Under the Kentucky Open Records Act (KRS 61.870 to KRS 61.884), I am requesting an opportunity to obtain copies of public records of:

- Video recordings from all security cameras inside the Marshall County Judicial Building on February 11, 2022 between 4 a.m. CST to 8 a.m. CST.

I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is of public interest and will contribute significantly to the public's understanding of publicly-funded institutions and newsworthy events. WKMS is a nonprofit, public radio service, and our request is related to journalistic purposes.

This information is not being sought for commercial purposes.

The Kentucky Open Records Act requires a response to this request be made within **five business days**, though any effort to provide a response before that time limit would be appreciated. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies of the requested records and the reasoning for the delay.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. Thank you for considering my request.

Sincerely,
Liam Niemeyer
WKMS Public Radio Assistant News Director

lniemeyer1@murraystate.edu

270-809-4744

[Redacted]

[Redacted]

Tue, Oct 25, 2022 at 11:40 AM

TO: [Redacted]

----- Forwarded message -----

From: **David Eaton** <deaton@murraystate.edu>

Date: Thu, Apr 14, 2022 at 8:48 AM

Subject: [Redacted]

To: [Redacted] >, Timothy Todd <ttodd@murraystate.edu>

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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David Eaton
Dean, Arthur J. Bauernfeind College of Business
270-809-4183