COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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**26-ORD-437**

September 30, 2026

In re: Kurt-Alan/City of Mount Washington

***Summary:*** The City of Mount Washington ("the City") violated the Open Records Act ("the Act") when it did not timely respond to a request. The City did not violate the Act when it denied a request that failed to include the real name of the applicant.

***Open Records Decision***

On August 17, 2026, using the name "Kurt-Alan" ("Appellant"), the Appellant submitted a request to the City. The request sought records related to (1) the City's records custodian, (2) general traffic enforcement by the City, and (3) a particular traffic stop conducted by the City. The request did not include a statement explaining how the Appellant qualified as a resident of the Commonwealth.

On August 24, 2026, the City acknowledged the request and stated that it would "begin compiling the records now." On September 1, 2026, the City issued a response stating that "Kurt-Alan" is not a resident of the Commonwealth and that it would not grant the request unless the Appellant demonstrated the manner in which "Kurt-Alan" qualifies as a resident of the Commonwealth. This appeal followed.

Under KRS 61.880(1), a public agency must decide within five business days whether to grant a request or deny it and "notify in writing the person making the request, within the five (5) day period, of its decision." Here, the Appellant submitted a request to the City on August 17, but the City only acknowledged the request on August 24 and did not deny the request until September 1. On appeal, the City does not claim it timely responded to the request. As a result, the City violated the Act by failing timely to either grant or deny the request.

However, on appeal, the City justifies its denial of the Appellant's request because he did not include his real name on the request. The City is correct.

All applications to inspect records must include the name and signature of the person making the request. KRS 61.872(2)(a) (authorizing the official custodian to require that an application be "signed by the applicant and with his or her name printed legibly on the application"). "[A]n application for records that includes a pseudonym instead of the requester's real name fails to comply with KRS 61.872(2)(a)." 25-ORD-171; *see, e.g.*, 22-ORD-122 (finding an anonymous request did not comply with KRS 61.872(2)(a)); 21-ORD-115 (same). Additionally, the real name of an individual includes his or her surname. *See* 365.015(1)(a) ("The real name of an individual shall include his or her surname at birth, or his or her name as changed by a court of competent jurisdiction, or the surname of a married woman"); *see also* 26-ORD-311; 25-ORD-398.

Here, the Appellant signed his request as "Kurt-Alan." The Appellant does not dispute the City's assertion that this is not his real name.[1] Rather, he merely makes that general assertion that "the court has accepted our name." But whether a court has "accepted" the Appellant's nickname is not dispositive of whether the Appellant has complied with the requirements of the Act. Accordingly, the Appellant did not comply with the requirement in KRS 61.872(2)(a) that a request include the requester's name.[2] Thus, the City did not violate the Act when it denied the Appellant's 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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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[1] *See, e.g.*, KRS 365.015(1)(a) ("The real name of an individual shall include his or her surname at birth, or his or her name as changed by a court of competent jurisdiction, or the surname of a married woman.").

[2] The Office notes that the Appellant has used the same email account previously to send Open Records appeals to the Office that he used when submitting the request at issue here. In those prior appeals, the Appellant identified himself by his real name. And so, the Office is satisfied that "Kurt-Alan" is not the Appellant's real name and thus does not comply with KRS 61.872(2)(a).

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Distributed to:

Kurt-Alan, Appellant
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