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-461

October 14, 2026

In re: Mohamed Aly/Kentucky Real Estate Authority

Summary: Under 40 KAR 1:030 § 4, the Attorney General shall not reconsider a prior decision rendered under the Open Records Act ("the Act"). This Office will not reconsider 26-ORD-316, in which it found the Kentucky Real Estate Authority ("the Authority") did not violate the Act when it withheld correspondence that is protected from disclosure by the attorney-client privilege.

Open Records Decision

On July 15, 2026, the Office issued 26-ORD-316, in which Mohammed Aly ("the Appellant") challenged the Authority's invocation of the attorney-client privilege to withhold 72 pages of records. The Office ultimately affirmed the Authority's denial. *See* 26-ORD-316.

Subsequently, on September 5, 2026, the Appellant submitted a new request to the Authority, in which he sought the records that are exempt under the attorney-client privilege with redactions made to the exempt portions of the records. In response, the Authority relied on 26-ORD-316 to deny the request. This appeal followed.

Under 40 KAR 1:030 § 4, "[t]he Attorney General shall not reconsider a decision rendered under the Open Records Law." In 20-ORD-148, this Office found that a second appeal between the same parties concerning the exempt status of a record would amount to improper reconsideration when "the facts and issues [were] identical to those in the previous decision." In 26-ORD-316, the Office found that the same records at issue here were exempt under the attorney-client privilege. The Appellant provides no facts or issues here that distinguish this appeal from the facts and issues involved in 26-ORD-316. If the Appellant disagreed with this Office's decision in 26-

ORD-316, his recourse was to appeal that decision to the circuit court. *See* KRS 61.880(5). He may not, however, seek this Office's reconsideration by submitting a duplicate request for the same record and appealing the Authority's denial of the duplicate request. Accordingly, the appeal is dismissed.

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#830

Distributed to:

Mohamed Aly, Appellant
Gerald W. Florence, Records Custodian/Executive Advisor, Kentucky Real Estate Authority
Patrick Riley, General Counsel, Kentucky Real Estate Authority
Lilly Coiner, General Counsel, Kentucky Real Estate Authority
Tracy W. Carroll, Executive Director, Public Protection Cabinet, Kentucky Real Estate Authority