



April 21, 2020

**VIA ELECTRONIC MAIL**

Office of the Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, Kentucky 40601-3449  
[KyOAGOR@ky.gov](mailto:KyOAGOR@ky.gov)

**Re: Public Information Request**

Dear Records Custodian:

Pursuant to the Kentucky Open Records Act (KORA), K.R.S. § 61.870 *et seq.*, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Office of the Attorney General produce copies of the following records:

All email communications and text messages (including emails, text messages, calendar invitations, and attachments thereto) between a) any of the Kentucky state officials listed in column A below, and b) any of the external individuals or entity representatives listed in column B below:

| <b>Column A: Kentucky State Officials</b>  | <b>Column B: External Individuals &amp; Entities</b>  |
|--|---|
| <ol style="list-style-type: none"><li>1. Daniel Cameron, Attorney General, or anyone communicating on his behalf (such as a scheduler or assistant)</li><li>2. Barry Dunn, Deputy Attorney General</li><li>3. Elizabeth Goss Kuhn, Communications Director</li><li>4. Anyone serving as Chief of Staff</li></ol> | <ol style="list-style-type: none"><li>1. Any employee or representative of the Republican Attorneys General Association (including, but not limited to, anyone communicating from an email address ending in @republicanags.com)</li><li>2. Any employee or representative of the Rule of Law Defense Fund (including, but not limited to, anyone communicating from an email address ending in @rldf.org or @ruleoflawdefensefund.org)</li></ol> |



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|  | <ol style="list-style-type: none"> <li>3. Louisiana Attorney General Jeff Landry, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>4. Georgia Attorney General Chris Carr, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>5. Texas Attorney General Ken Paxton, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>6. Indiana Attorney General Curtis Hill, or anyone communicating on his behalf (such as an assistant or scheduler)</li> </ol> |
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Please provide all responsive records from September 1, 2019, to the date the search is conducted.

**Pursuant to KRS § 61.880(1), American Oversight requests that you notify us within three workdays as to whether you will comply with this request.**

In addition, American Oversight insists that your office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion,

including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Statement of Noncommercial Purpose**

This request is primarily and fundamentally for noncommercial purposes. American Oversight seeks records regarding the activities of public officials, including whether and to what extent officials interact with partisan organizations through their official email accounts. Records with the potential to shed light on this matter would contribute significantly to public understanding of the operations of the Office of the Attorney General, including the role, if any, such communications play in state policy decisions.

Furthermore, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>1</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.<sup>2</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's State Accountability

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<sup>1</sup> American Oversight currently has approximately 15,460 followers on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 14, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 14, 2020).

<sup>2</sup> News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

Project covering voting rights issues in various states;<sup>3</sup> posting records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>4</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>5</sup> posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;<sup>6</sup> posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;<sup>7</sup> and posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.<sup>8</sup>

Accordingly, this request is for noncommercial purposes, and pursuant to K.R.S. § 61.874(3), American Oversight asks, to the extent any fees are charged in connection with processing this request for records, that such fees not exceed the actual cost of reproduction.

### **Conclusion**

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have

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<sup>3</sup> *State Accountability Project*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/state-accountability-project>.

<sup>4</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>5</sup> *See generally Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>6</sup> *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

<sup>7</sup> *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

<sup>8</sup> *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers  
Executive Director  
American Oversight