



June 5, 2020

VIA ONLINE PORTAL

Patricia Abril, Public Records Custodian
Office of the Mayor
111 NW 1st St., 29th Floor
Miami, FL 33128
Via Online Portal

Re: Public Records Request

Dear Ms. Abril:

Pursuant to Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

On March 20, 2020, the *Miami Herald* reported that Dr. Merlynn Carson, daughter-in-law of U.S. Secretary of Housing and Urban Development (HUD) Ben Carson, would be assisting in the administration of "up to 1 million tests" in the fight against the coronavirus pandemic.¹ Merlynn Carson's company has previously received various government contracts, raising concerns about potential conflicts of interest.²

American Oversight seeks to determine whether and to what extent Dr. Merlynn Carson may be influencing government policy-making.

Requested Records

American Oversight requests that your office produce the following records within twenty business days:

¹ Douglas Hanks, *In Miami, a Former FEMA Director Offers a Quick Fix on Mass COVID-19 Tests*, MIAMI HERALD (Mar. 21, 2020, 7:44 PM), <https://www.miamiherald.com/news/coronavirus/article241365501.html>.

² Emily Stewart, *Ben Carson's Family Ethics Drama, Explained*, VOX (Feb 3, 2018, 11:36 AM), <https://www.vox.com/policy-and-politics/2018/2/3/16967628/ben-carson-ethics-hud-son-baltimore>.



- 1) All email communications (including emails, email attachments, and calendar invitations) between government officials listed in Column A and the individuals listed in Column B:

Column A: Miami Government Individuals	Column B: External Individuals
<ul style="list-style-type: none"> i. Arthur Noriega, City Manager ii. Alex Diaz de la Portilla, District 1 Commissioner iii. Ken Russell, District 2 Commissioner iv. Joe Carollo, District 3 Commissioner v. Manolo Reyes, District 4 Commissioner vi. Keon Hardemon, District 5 Commissioner vii. Major Francis Suarez 	<ul style="list-style-type: none"> i. Dr. Merlynn Carson (including, but not limited to the email addresses Merlynnj21@hotmail.com, Merlynnj1386@gmail.com, Merlynnj@hotmail.com, mcarson@myrriidian.com) ii. Anyone acting on behalf of Myrriidian or Interprise Partners, including anyone communicating from an email address ending in myrriidian.com or interprisepartners.com iii. HUD Secretary Ben Carson, or anyone communicating on behalf of Secretary Carson (including but not limited to Andrew Hughes, Chief of Staff, and Secretary Carson’s scheduler) iv. Former Federal Emergency Management Agency (FEMA) Director James Lee Witt v. Anyone acting on behalf of Witt Global Partners, including but not limited to any email address ending in @wittpartners.com

- 2) Records sufficient to show:

- a. The number of coronavirus tests procured for the City by Witt Global Partners;
- b. The price per coronavirus test procured for the City by Witt Global Partners;
- c. The number of coronavirus tests procured for the City by Myrriidian;
- d. The price per coronavirus test procured for the City by Myrriidian.

- 3) A complete copy of any contract, amendment, memorandum of understanding, or other written agreement between (a) the City and (b) any of the individuals or entities listed in Column B above regarding any supplies or equipment related to testing for coronavirus.

Please provide all responsive records from March 1, 2020, to the date the search is conducted.

Please notify American Oversight of any anticipated fees and costs in excess of \$100 prior to incurring such fees or costs.

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, American Oversight and your office 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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at 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

³ American Oversight currently has approximately 15,500 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited June 4, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited June 4, 2020).