



January 11, 2021

VIA EMAIL

Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601-3449
KyOAGOR@ky.gov

Re: Open Records Act Request

Dear Custodian of Record:

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

Press reports indicate that Attorney General Daniel Cameron planned to attend a December 10, 2020 meeting at the White House with President Trump and a group of Republican state attorneys general to “discuss issues important to their citizens and the country, and ways to continue to advance the shared federal-state partnership.”¹

American Oversight seeks records with the potential to shed light on the content shared in this meeting.

Requested Records

American Oversight requests that your office produce copies of the following records within three business days:

- 1) Any records reflecting the substance and participants of any White House meetings attended by Attorney General Cameron on or about December 10, 2020, including agendas, meeting minutes or summaries (including handwritten notes and informal email summaries), participant lists, and any materials exchanged by parties attending the meeting.
- 2) All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) between (a) Attorney General Daniel Cameron or anyone serving as his chief of staff, scheduler or assistant, and (b) anyone in the White House (including anyone communicating with an email address ending in who.eop.gov).

¹ Andrew Solender, *Trump to Meet with Ten State Attorneys General Backing Case to Overturn Election*, Forbes (Dec. 13, 2020, 8:07 PM), <https://www.forbes.com/sites/andrewsolender/2020/12/09/trump-to-meet-with-ten-state-attorneys-general-backing-case-to-overturn-election/?sh=3f1690903fe1>.



Please provide all responsive records from November 27, 2020, through 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.

Statement of Noncommercial Purpose

This request is for noncommercial purposes, and American Oversight respectfully requests a waiver of any fees associated with processing this request for records. To the extent any fees are charged, pursuant to KRS § 61.874(3), American Oversight asks that such fees be limited to the actual cost of reproduction and exclude the cost of agency staff time.

This request is primarily and fundamentally for non-commercial purposes. American Oversight seeks the records requested to inform the public regarding the contents of a meeting attended by Attorney General Brnovich at the White House.² Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the government, including what issues important to the citizens of Kentucky may have been discussed at this meeting.

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.³

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.⁴ 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 Project, covering voting rights issues in various states;⁵ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated

² See *id.*

³ American Oversight currently has approximately 15,600 followers on Facebook and 105,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 11, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2021).

⁴ News, American Oversight, <https://www.americanoversight.org/blog>.

⁵ State Accountability Project, American Oversight, <https://www.americanoversight.org/state-accountability-project>.

regarding the Department's process for issuing such waivers;⁶ 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;⁷ posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;⁸ posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;⁹ 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.¹⁰

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and

⁶ 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>.

⁷ 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>.

⁸ 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>.

⁹ 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>.

¹⁰ Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton, American Oversight, <https://www.americanoversight.org/sessions-letter>.

transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- 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. *See KRS § 61.878(4).* If a request is denied in whole, please state specifically why 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 the agency 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.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF 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.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303. Also, if American Oversight's

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers
Executive Director
American Oversight