



March 1, 2021

**VIA EMAIL**

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County Manager's Office  
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**Re: Public Records Act Request**

Dear Custodian of Public Records:

Pursuant to the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978, Chapter 14, Article 2, American Oversight makes the following request for copies of public records.

On January 6, 2021, Otero County Commissioner Couy Griffin participated in the rally outside of the Capitol that grew into a riotous crowd and stormed the building. Commissioner Griffin posted a video of himself in "restricted areas" during the siege on the Capitol and was arrested for his role in the siege.<sup>1</sup>

American Oversight seeks records with the potential to shed light on County Commissioner Couy Griffin's potential participation, knowledge of, and involvement in an attempt to overturn the results of the 2020 presidential election.

**Requested Records**

American Oversight requests that Commissioner Couy Griffin produce the following records within three business days:<sup>2</sup>

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Commissioner Griffin containing any of the key terms listed below.

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<sup>1</sup> Spencer S. Hsu, *N.M. Official Who Warned of 'Blood Running out of' U.S. Capitol Jailed Pending Trial in Jan. 6 Riot Case*, Wash. Post (Feb. 1, 2021, 7:16 PM), [https://www.washingtonpost.com/local/legal-issues/new-mexico-commissioner-griffin-jailed-capitol/2021/02/01/a3a6aa28-64d7-11eb-8c64-9595888caa15\\_story.html](https://www.washingtonpost.com/local/legal-issues/new-mexico-commissioner-griffin-jailed-capitol/2021/02/01/a3a6aa28-64d7-11eb-8c64-9595888caa15_story.html).

<sup>2</sup> If the inspection is not permitted within three business days, please explain in writing when the records will be available or when you will respond to the request and make the records available no later than fifteen days after receipt of this request. NMSA § 14-2-8.



Please provide all responsive records from January 1, 2021, through January 14, 2021.

Key terms:

- i. Capitol
- ii. "Stop the steal"
- iii. "Save America"
- iv. Storm
- v. Trump
- vi. Biden
- vii. Congress
- viii. DC
- ix. D.C.
- x. Washington
- xi. RNC
- xii. DNC
- xiii. Patriot
- xiv. Pelosi
- xv. Pence
- xvi. Schumer
- xvii. "Our House"
- xviii. MAGA
- xix. KAG
- xx. "great again"
- xxi. caravan

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Commissioner Griffin. However, American Oversight still requests that complete email chains be produced. This means, for example, that both Commissioner Griffin's response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text message threads/conversations, or message threads/conversations on similar applications (such as Signal, WhatsApp, or Facebook Messenger) sent to or received by Commissioner Griffin containing any of the key terms listed in Item 1 above.

Please provide all responsive records from January 1, 2021, through January 14, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Commissioner Griffin sent or received a text message containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

- 3) Records reflecting any and all expenditures made and/or reimbursed by the county in connection with Commissioner Griffin's trip on or about January 6, 2021 to Washington, DC, including, but not limited to, records of any reimbursements submitted by or on behalf of Commissioner Griffin.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; county-issued charge card or travel card reports; receipts from airlines, rental car, or other transportation companies; records reflecting the cost of government transportation; receipts or other records reflecting the cost of meals or refreshments; or records reflecting per diem payments.

Please provide all responsive records from January 1, 2021, through the date a search is conducted.

- 4) All photographs, videos or audio recordings taken on any device operated by Commissioner Griffin between January 4, 2021, and January 7, 2021.

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

### **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 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the IPRA.<sup>3</sup>

- 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.<sup>4</sup> 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.

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.

## **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

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<sup>3</sup> See Office of the New Mexico Attorney General, *Inspection of Public Records Act Compliance Guide* at 26 (8th ed. 2015) (“if email is used to conduct public business, the email is a public record even though a personal account is used”).

<sup>4</sup> NMSA § 14-2-9(A).

website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>5</sup>

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 Daniel McGrath at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 897-4213.

Sincerely,

/s/ Daniel McGrath  
Daniel McGrath  
on behalf of  
American Oversight

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<sup>5</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 105,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 5, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 5, 2021).