



April 8, 2021

**VIA EMAIL**

Oklahoma Office of the Attorney General  
Abby Dillsaver, General Counsel to the Attorney General  
313 N.E. 21st St.  
Oklahoma City, OK 73105  
[openrecordsrequests@oag.ok.gov](mailto:openrecordsrequests@oag.ok.gov)

**Re: Open Records Act Request**

Dear General Counsel Dillsaver:

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Office of the Attorney General produce the following records within five business days:

All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by (a) Attorney General Mike Hunter, Solicitor General Mithun Mansinghani, or anyone communicating on their behalf (such as a Chief of Staff, assistant, or secretary), to (b) any of the external entities listed below:

**External entities**

1. Anyone communicating from Devon Energy Corporation, including from an email address ending in @dvn.com
2. Anyone communicating from Peabody Energy, including from an email address ending in @peabodyenergy.com
3. Anyone communicating from Murray Energy Corporation, including from an email address ending in @murrayenergycorp.com
4. Anyone communicating from Southern Company, including from an email address ending in @southerncompany.com
5. Anyone communicating from American Fuel & Petrochemical Manufacturers, including from an email address ending in @afpm.org
6. Anyone communicating from America's Power, including from an email address ending in @americaspower.org
7. Anyone communicating from Western Energy Alliance, including from an email address ending in @westernenergyalliance.org
8. Anyone communicating from American Petroleum Institute including from an email address ending in @api.org



9. Anyone communicating from Independent Petroleum Association of America, including from an email address ending in @ipaa.org
10. Anyone communicating from Koch Ag & Energy Solutions including from an email address ending in @kochind.com
11. Anyone communicating from the Oklahoma Farm Bureau, including from an email address ending in @okfarmbureau
12. Former Oklahoma Attorney General Scott Pruitt
13. Georgia Attorney General Chris Carr or anyone communicating on Carr's behalf (such as a Chief of Staff, assistant, or scheduler)
14. Alabama Attorney General Steve Marshall, or anyone communicating on Marshall's behalf (such as a Chief of Staff, assistant, or scheduler)
15. Anyone communicating from the Republican Attorneys General Association, including from an email ending in @republicanags.com

Please provide all responsive records from January 20, 2021, through March 8, 2021.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the officials specified above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a specified official's response to an email from a listed external entity and the initial received message are responsive to this request and should be produced.

### **Fee Waiver Request**

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records "is in the public interest," because American Oversight, in accordance with its organizational mission, makes this request "to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."<sup>1</sup> Specifically, the requested records have the potential to shed light on Attorney General Hunter's interactions with representatives of the energy industry and the extent to which this may have affected actions by the Attorney General's Office.<sup>2</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of whether servants are fulfilling their duties, including whether Attorney General Hunter undertook these actions to benefit Oklahomans or outside interests.

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<sup>1</sup> O.S. tit. 51, § 24A.5(4).

<sup>2</sup> See, e.g., Carmen Forman, *Oklahoma AG Mike Hunter Joins Lawsuit Challenging Biden's Climate Change Order*, Oklahoman (Mar. 9, 2021, 5:31 PM), <https://www.oklahoman.com/story/news/politics/2021/03/09/oklahoma-attorney-general-mike-hunter-sues-over-biden-climate-change-order/4644087001/>.

American Oversight's work is aimed solely at serving the public interest.<sup>3</sup> 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. Rather, 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. Similar to members of the news media, 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>4</sup> American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>5</sup>

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public's understanding of the government's activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight's analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

### **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:

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<sup>3</sup> See O.S. tit. 51, § 24A.5(4).

<sup>4</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 1056,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 2, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 2, 2021).

<sup>5</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes all prior messages sent or received in a responsive 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.<sup>6</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.

## **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

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<sup>6</sup> O.S. tit. 51, § 24A.5(2).

understand any part of this request, please contact Christine Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

*/s/ Christine Monahan*

Christine Monahan  
on behalf of  
American Oversight