



December 2, 2021

VIA EMAIL

Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132
publicrecords@pinal.gov

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any member of the Pinal County Board of Supervisors (Kevin Cavanaugh, Mike Goodman, Stephen Q. Miller, Jeffrey McClure, or Jeff Serdy) and (b) any of the external parties specified below.

External Parties

1. Kelli Ward, Chairwoman of the AZ Republican Party including, but not limited to, from the email address Kelli.Ward@azgop.org
2. Tyler Bowyer, National Committeeman, including, but not limited to, from the email address tyler@azgop.org
3. Lori Klein-Corbin, National Committeewoman, including, but not limited to, from the email address lklein4@gmail.com
4. Pam Kirby, First Vice Chairwoman, including, but not limited to, from the email address pam.kirby@azgop.org
5. Ray Ihly, Second Vice Chairman, including, but not limited to, from the email address ray.ihly@azgop.org
6. Leanna DeKing, Third Vice Chairman, including but not limited to, from the email address leanna.deking@azgop.org
7. Former President Donald Trump, or anyone communicating on his behalf such as Chief of Staff Mark Meadows, an assistant, or scheduler



8. U.S. Representatives Andy Biggs, Paul Gosar, Debbie Lesko, or anyone communicating from an email address ending in @mail.house.gov
9. Cleta Mitchell, including, but not limited to, communications with the email addresses cmitchell@foley.com or cleta@cletamitchell.com
10. Rudolph Giuliani, or anyone communicating on his behalf, such as Jo Ann Zafonte, Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in @giulianisecurity.com, giulianipartners.com, gdcillc.com
11. Joseph diGenova, Victoria Toensing, or anyone communicating from an email address ending in @digenovatoensing.com
12. Sidney Powell, or anyone communicating from an email address ending in @federalappeals.com
13. Jenna Ellis, or anyone communicating from an email address ending in @falkirkcenter.com or @thomasmore.org
14. Lin Wood, or anyone communicating from an email address ending in @linwoodlaw.com or @fightback.law
15. Jason Torchinsky, including, but not limited to, at jtorchinsky@hvjt.law.
16. John Gore, Alex Potapov, or anyone communicating from an email address ending in @jonesday.com
17. Justin Clark, Nathan Groth, Stefan Passantino, or anyone communicating from an email address ending in @michaelbest.com
18. Kory Langhofer, Thomas Basile, or anyone communicating from an email address ending in @statecraftlaw.com
19. Brett Johnson, Eric Spencer, or anyone communicating from an email address ending in @swlaw.com
20. John Eastman, including jeastman@claremont.org, jeastman@chapman.edu, and other known email addresses
21. John Solomon, including, but not limited to, from john@solomonmediallc.com, or any of his email addresses ending in @fox.com, @thehill.com, @justthenews.com, @washingtonguardian.net, or @washingtontimes.com
22. David Bossie, or anyone communicating from an email address ending in @citizensunited.org
23. Jeff DeWit
24. Michael Roman, including, but not limited to, from mikeroman@protonmail.com
25. Gina Swoboda
26. Senator Karen Fann, including, but not limited to, fannm@cableone.net, karenefann@outlook.com, or kfann@azleg.gov
27. Senator Warren Petersen (including, but not limited to, votewarren@gmail.com or wpetersen@azleg.gov)
28. Representative Mark Finchem (including, but not limited to, markfinchem@me.com or mfinchem@azleg.gov)
29. Randy Pullen (including, but not limited to, from rpullen13@gmail.com)
30. Ken Bennett (including, but not limited to, from kbazsos@gmail.com, ken.bennett@az51.org, or kjbennettaz@gmail.com)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a member of the Board of Supervisor received a mass-distribution news clip email from a specified email address, that initial email would not be responsive to this request. However, if that Board of Supervisors member forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from November 3, 2020 through January 20, 2021.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding communications members of the Pinal County Board of Supervisors may have had with the Arizona GOP and members of the Trump legal team during the transition period. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent these communications occurred.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. 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.¹

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying

¹ American Oversight currently has approximately 15,600 page likes on Facebook and 109,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 30, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 30, 2021).

and postage charges, if applicable.² Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.

² A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

- 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 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 Zachery Morris at records@americanoversight.org or (202) 897-4213.

Sincerely,

/s/ Zachery Morris
Zachery Morris
on behalf of
American Oversight