



December 10, 2021

**VIA U.S. MAIL**

Office of the Governor of Oklahoma  
ORA Office, Room 212  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105

**Re: Open Records Act Request**

Dear Records Access Officer:

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 your office produce the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by Governor Kevin Stitt or anyone communicating on his behalf such as a chief of staff, scheduler, or assistant, regarding his trip to the U.S.–Mexico border on or about October 6, 2021.<sup>1</sup>

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 emails sent by Governor Stitt. 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 Governor Stitt's response to an email about the trip and the initial received message are responsive to this request and should be produced.

2. Records reflecting any expenses and costs incurred or paid by your office related to Governor Stitt's trip to the U.S.–Mexico Border on or about October 6, 2021.<sup>2</sup>

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<sup>1</sup> For further identifying information, please see Governor Greg Abbott's October 6, 2021 Press Release. *See* Press Release, Governor Abbott, *State Governors Outline 10-Point Plan to Combat Border Crisis*, TX Office of the Governor, Oct. 6, 2021, <https://gov.texas.gov/news/post/governor-abbott-state-governors-outline-10-point-plan-to-combat-border-crisis>.

<sup>2</sup> For further identifying information, please see *supra* n.1.



To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of these costs, American Oversight requests records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and per diem payments. Relevant expenses include costs associated with the travel of Governor Stitt and of any staff members, family members, or other individuals traveling with him.

For both items of this request, please provide all responsive records from September 29, 2021, through November 1, 2021.

### **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>3</sup> Specifically, the requested records have the potential to shed light on in a trip taken by Governor Stitt to the U.S.-Mexico border.<sup>4</sup> Records with the potential to shed light on this issue would contribute significantly to public understanding of how public servants are fulfilling their duties, including the costs of this trip.

American Oversight’s work is aimed solely at serving the public interest.<sup>5</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>6</sup> American Oversight has also demonstrated its commitment to

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

<sup>4</sup> Kevin Severin, *Gov. Stitt Tours US-Mexico Border, Receives Border Security Briefing*, OKC Fox, Oct. 6, 2021, <https://okcfox.com/news/local/gov-stitt-tours-us-mexico-border-receives-border-security-briefing>.

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

<sup>6</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 109,200 followers on Twitter. American Oversight, Facebook,

the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>7</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:

- 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

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<https://www.facebook.com/weareoversight/> (last visited Dec. 1, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Dec. 1, 2021).

<sup>7</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>.

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.
- 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>8</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.

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<sup>8</sup> O.S. tit. 51, § 24A.5(2).

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](mailto:records@americanoversight.org) or (202) 897-4213.

Sincerely,

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