



March 23, 2022

VIA EMAIL

GRAMA Coordinator
Office of the Attorney General
P.O. Box 140860
Salt Lake City, UT 84114-0860
Ago_grama_coordinator@agutah.gov

Re: Government Records and Access Management Act Request

Dear GRAMA Responder:

Pursuant to the Utah Government Records Access and Management Act (GRAMA), Utah Code §§ 63G-2-101 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within ten business days:

1. All electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (a) Attorney General Sean Reyes, or anyone communicating on his behalf such as a chief of staff, assistant, or scheduler, and (b) any of the following external individuals or entities.

External Individuals and Entities:

- i. Tom Homan
- ii. Julio Rosas
- iii. Mercedes Schlapp
- iv. Matt Schlapp
- v. Ken Cuccinelli, including, but not limited to, anyone communicating from ktc21968@gmail.com
- vi. Russ Vought, including, but not limited to, anyone communicating from russ@americarenewing.com
- vii. Arizona State Senator Jake Hoffman, including, but not limited to, anyone communicating from jake.hoffman@azleg.gov
- viii. Arizona Attorney General Mark Brnovich
- ix. Anyone communicating on behalf of the American Conservative Union, including, but not limited to, anyone communicating from an email address ending in @conservative.org



- x. Anyone communicating on behalf of Center for Renewing America, including, but not limited to, anyone communicating from an email address ending in @americarenewing.com
- xi. Anyone communicating on behalf of America First Legal, including, but not limited to, anyone communicating from an email address ending in @aflegal.org
- xii. Anyone communicating on behalf of America First Policy Institute, including, but not limited to, anyone communicating from an email address ending in @americafirstpolicy.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 Attorney General Reyes received a mass-distribution news clip email from one of the specified entities, that initial email would not be responsive to this request. However, if Attorney General Reyes forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

- 2. All records reflecting materials prepared or compiled by the Office of the Attorney General, or received from external entities, such as talking points or background materials, related to Attorney General Sean Reyes' participation in the 2022 Conservative Political Action Conference, including but not limited to his participation in a panel titled "The Invasion."¹

For both items 1 and 2, please provide all responsive records from January 1, 2022, through the date the search is conducted.

Fee Waiver Request

In accordance with Utah Code § 63G-2-203(4)(a), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested information will primarily benefit the public rather than a person, because the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information primarily benefits the public rather than a person.² The public has a significant interest in understanding the influence behind perspectives supported by

¹ See Sean Reyes (@SeanReyesUT), Twitter (Feb. 24, 2022, 3:16 PM), <https://twitter.com/SeanReyesUT/status/1496957192653598725> ("A privilege to speak on The Invasion panel today at @CPAC on southern border crisis with former Acting Director of the U.S. Immigration & Customs Tom Homan, Townhall.com senior writer @Julio_Rosas11 and our fearless moderator @mercedesschlapp").

² Utah Code § 63G-2-203(4)(a).

Utah Attorney General Reyes, including Reyes' recent declaration that immigration at the southern border constitutes an "invasion" of the United States.³ 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 external entities influenced Attorney General Reyes' stance on immigration. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, this request is not for American Oversight's personal or financial interest. As described above, this request is primarily and fundamentally made for the purpose of educating the public and is not made for any commercial purposes. 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.⁴

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.⁵ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;⁶ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁷ posting records received as part of American

³ See Skalka, *supra* note 1.

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 118,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited March 16, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited March 16, 2022).

⁵ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁶ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, 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>.

⁷ See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight,

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁸ and 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 regarding the Department’s process for issuing such waivers.⁹

Accordingly, American Oversight qualifies for a fee waiver.

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:

- 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.

<https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁸ 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>.

⁹ *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>.

- 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. 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,

/s/ Emma Lewis

Emma Lewis
on behalf of
American Oversight