

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

Media General Public

Records Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

Please see the attached Open Records Act request (OK-AG-22-0388).

records@americanoversight.org

E-MAIL ADDRESS

Purpose of Request: Personal Commercial Public Interest

Zachery Morris

NAME OF PERSON MAKING REQUEST (Please Print Name)

1030 15th Street NW, Suite B255

ADDRESS

Washington

CITY

DC

STATE

20005

ZIP

(202) 897-4213

PHONE

FAX

If this is a media request, who are you affiliated with.

/s/ Zachery Morris

SIGNATURE

04/25/2022

DATE

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do **NOT** send money prior to receiving notification of applicable fees and the exact amount due.

Note: We can process requests pertaining **only** to records of the Oklahoma Office of the Attorney General. If you seek records from another agency, please direct your request to the specific agency.

RETURN FORM TO: Oklahoma Office of the Attorney General

Julie Pittman, Deputy General Counsel
313 N.E. 21st St.

Oklahoma City, Oklahoma 73105

Phone: (405) 522-4400 Fax: (405) 522-0669

Email: openrecordsrequest@oag.ok.gov





April 25, 2022

VIA EMAIL

Oklahoma Office of the Attorney General
Julie Pittman, Deputy General Counsel
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
openrecordsrequest@oag.ok.gov

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:

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, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) Attorney General John O'Connor or First Assistant Attorney General Tim Downing and (b) Texas Attorney General Ken Paxton, including but not limited to emails from ken.paxton@oag.texas.gov, Kenneth.paxton@oag.texas.gov, ken@kenpaxtonlaw.com, or Paxton's Chief of Staff Lesley French.

Please provide all responsive records from November 1, 2021, through the date the request is received.

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.”¹ Specifically, the requested records have the potential to shed light on communications between Attorneys General O’Connor and Paxton. Records with the potential to shed light on this matter would contribute significantly to public understanding of whether and to what extent public servants are fulfilling their duties, including how much these two Attorneys General communicate.

American Oversight’s work is aimed solely at serving the public interest.² 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.³ 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.⁴

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.

¹ O.S. tit. 51, § 24A.5(4).

² See O.S. tit. 51, § 24A.5(4).

³ American Oversight currently has approximately 15,700 page likes on Facebook and 118,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 7, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 7, 2022).

⁴ 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>.

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.
- 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.⁵ 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

⁵ O.S. tit. 51, § 24A.5(2).

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