

May 24, 2022

VIA EMAIL

Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219
FOIA@governor.virginia.gov

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Karl Frisch, a resident of Virginia, make the following request for records.

Requested Records

I request that your office produce the following records within five working days:

1. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) between (a) any official with any title listed below in Column A, below (or any person acting on their behalf or at their behest), and (b) the external individuals and organizations listed in Column B, below, including anyone communicating from the listed email address(es) or an email address ending in the listed domain(s).

Column A: Virginia Governor's Staff	Column B: External Individuals and Organizations
<ul style="list-style-type: none">a) Anyone serving in the role of Policy Advisor or Senior Policy Advisorb) Anyone serving in the role of Policy Analyst or Senior Policy Analystc) Anyone serving in the role of Policy Assistant or Senior Policy Assistantd) Anyone serving in the role of Deputy Policy Directore) Anyone serving in the role of Deputy Chief of Staff	<ul style="list-style-type: none">a) Center for Renewing America (@americarenewing.com)b) Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, or crufo@manhattan-institute.org)c) Fight for Schools (@fightforschools.com)d) Free to Learn (@freetolearn.org)e) Foundation Against Intolerance and Racism (@fairforall.org)f) Heritage Foundation (@heritage.org or @heritageaction.com)

<ul style="list-style-type: none"> f) Anyone serving in the role of Legislative Director g) Chief Transformation Officer Eric Moeller h) Anyone serving in the role of Deputy Counsel, including, but not limited to, Duncan Gretchell i) Anyone serving in the role of Special Advisor, including, but not limited to, Matthew Moran j) Anyone serving in the role of Director of Constituent Services, including, but not limited to, Denise Burch 	<ul style="list-style-type: none"> g) Moms for America (@momsforAmerica.net or @mfaaction.com) h) Moms for Liberty (@momsforliberty.org) i) No Left Turn in Education (@noleftturn.us) j) American Enterprise Institute (@aei.org) k) Max Eden (Max.Eden@aei.org or max.c.eden@gmail.com) l) Parents Defending Education (@defendinged.org) m) PragerU (@prageruniversity.com or @prageru.com) n) Alliance Defending Freedom (@ADFlegal.org) o) Stand Up Virginia (@standupvirginia.com) p) Concerned Women for America (@concernedwomen.org) q) Independent Women's Forum (@iwf.org)
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Please provide all responsive records from January 15, 2022, through the date the search is conducted.

2. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) sent by, on behalf of, or at the behest of any of the individuals below containing any of the following key terms:

Individuals

- a) Anyone serving in the role of Policy Advisor or Senior Policy Advisor
- b) Anyone serving in the role of Policy Analyst or Senior Policy Analyst
- c) Anyone serving in the role of Policy Assistant or Senior Policy Assistant
- d) Anyone serving in the role of Deputy Policy Director
- e) Anyone serving in the role of Deputy Chief of Staff
- f) Anyone serving in the role of Legislative Director
- g) Chief Transformation Officer Eric Moeller
- h) Anyone serving in the role of Deputy Counsel, including, but not limited to, Duncan Gretchell
- i) Anyone serving in the role of Special Advisor, including, but not limited to, Matthew Moran
- j) Anyone serving in the role of Director of Constituent Services, including, but limited to, Denise Burch

Key terms

- a) helpeducation@governor.virginia.gov
- b) “tip line”
- c) Tipline
- d) CRT
- e) “Critical Race Theory”
- f) “inherently divisive practices”

Please provide all responsive records from January 15, 2022, through the date the search is conducted.

For part 2 of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, I have limited my request to emails sent by the listed individuals. To be clear, however, I still request that complete email chains be produced, displaying both sent and received messages. This means, for example, that both the Deputy Policy Director’s response to an email with a responsive key term and the initial received message are responsive to this request and should be produced.

Please notify me of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, I provide 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. I 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.

- My 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 this request, this 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. 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.

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 me, please do not hesitate to reach out to my representative at the contact information listed below to discuss this request. We welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. 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, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this

request, please contact Rachel Baron at records@americanoversight.org or 202.897.2465.

Sincerely,

/s/ Karl Frisch
Karl Frisch