



June 2, 2022

VIA EMAIL

Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 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, Anisha Hindocha, a resident of Virginia, make the following request for records.

Requested Records

I request that the Office of the Governor produce the following records within five working days:

1. All calendars or calendar entries for Special Advisor Andrew Wheeler, including any calendars maintained on behalf of Wheeler.

I request that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Wheeler allocates his time on executive business.
2. Any conflicts, ethics waivers or authorizations issued for Special Advisor Andrew Wheeler.
3. Records reflecting any recusal determinations made or issued for Special Advisor Andrew Wheeler.
4. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) Special Advisor Wheeler, or anyone communicating on his behalf such as a Chief of Staff, executive assistant, or scheduler, and (b) any of the external entities listed below:
 - a. Robert Blue, President and CEO of Dominion Energy, Edward Baine, President of Dominion Energy Virginia, or anyone communicating on behalf of Dominion Energy, including but not

- limited to communications from email addresses ending in @dom.com and @dominionenergy.com
- b. Ben Beakes, Barbara Altizer, Clark Lewis, Brooks Smith, or anyone communicating on behalf of the Metallurgical Coal Producers Association, including but not limited to communications from an email address ending in @metcoalproducers.com
 - c. Jessica Anderson, Garrett Bess, or any person communicating on behalf of Heritage Action, including but not limited to communications from an email address ending in @heritageaction.com
 - d. Ed Meese, Bridgett Wagner, Hans von Spakovsky, or any person communicating on behalf of the Heritage Foundation, including but not limited to communications from an email address ending in @heritage.org
 - e. Brooke Rollins, Chad Wolf, or anyone communicating on behalf of the America First Policy Institute, communications from an email address ending in @americafirstpolicy.com
 - f. Stephen Miller, Gene Hamilton, Russ Vought, or anyone communicating on behalf of America First Legal, including but not limited to communications from an email address ending in @aflegal.org
 - g. Tracie Sharp, Kathleen O'Hearn, or anyone communicating on behalf of the State Policy Network, including but not limited to communications from an email address ending in @spn.org
 - h. Michael Bowman, Bill Meierling, or any person communicating on behalf of ALEC, including communications from an email address ending in @alec.org
 - i. Anyone communicating on behalf of the Cato Institute, including anyone communicating from an email address ending in @cato.org
 - j. Anyone communicating on behalf of the Heartland Institute, including anyone communicating from an email address ending in @heartland.org

Please provide all responsive records from March 14, 2022, through the date the search is conducted.

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 counsel 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 Anisha Hindocha, c/o 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.

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/ Anisha Hindocha
Anisha Hindocha