



January 30, 2023

VIA CERTIFIED MAIL

Records Custodian
Brevard County Sheriff's Office
700 Park Ave., Titusville FL 32780
Via Certified Mail

Re: Public Records Request

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following:

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) Brevard County Sheriff Wayne Ivey, and b) any of the individuals or entities listed below, including, but not limited to, at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from nongovernmental accounts and/or devices if they were used to conduct official business, as well those sent from official email addresses or government-issued devices.

External Entities:

1. Anyone communicating from an email address ending in americaproject.com or theamericaproject.com
2. Anyone communicating from an email address ending in protectamericanow.com
3. Ashe Epp (asheinamerica@protonmail.com)
4. Barry County, Michigan Sheriff Darren "Dar" Leaf, and/or anyone communicating from an email address ending in barrycounty.org
5. Catherine Engelbrecht, or anyone communicating from an email address ending in truethevote.org or truethevote.com
6. Culpeper County, Virginia Sheriff Scott Jenkins (sheriffjenkins@culpepersheriffsoffice.com, sheriffjenkins@culpepercounty.gov)
7. Former Bristol County, Massachusetts Sheriff Tom Hodgson (sheriffhodgson@comcast.net, sheriff@bcso-ma.org)



8. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
9. Ed Corrigan, or anyone communicating from an email address ending in cpi.org or conservativepartnership.org
10. Greene County, Missouri Sheriff Jim Arnot (jim@jimarnott.com, jarnott@greencountymo.gov)
11. Gregg Phillips, or anyone communicating from an email address ending in opsec.group or patriotgames.com
12. Holly Kasun (hollyataltitude@protonmail.com)
13. Jacqueline Timmer, or anyone communicating from an email address ending in got-freedom.org or americanvotersalliance.org
14. Jeff O'Donnell (loneraccoon@protonmail.com), and/or anyone communicating from an email address ending in ordros.com
15. Former Livingston County, Illinois Sheriff Tony Childress (tchildress@livingstoncountyil.gov)
16. Logan County, Oklahoma Sheriff Damon Devereaux (ddevereaux@logancountyso.org), or anyone communicating from an email address ending in logancountyso.org
17. Luis Cornelio (luis.cornelio@protonmail.com, lcornel001@citymail.cuny.edu)
18. Michele Replogle (micrep@protonmail.com, micrep@pm.me), or anyone communicating from an email address ending in causeofamerica.org
19. Panola County, Texas Sheriff Cutter Clinton (clintoncutter@gmail.com, cutter.clinton@co.panola.tx.us)
20. Phill Kline (phillklineva@gmail.com)
21. Pinal County, Arizona Sheriff Mark Lamb (mark.lamb@pinal.gov, mark.lamb@protonmail.com)
22. Racine County, Wisconsin Sheriff Christopher Schmaling (chris.schmaling@gmail.com, chris.schmaling@racinecounty.com), and/or anyone communicating from an email address ending in racinecounty.com
23. Richard Mack (cspoa2011@gmail.com, sheriffmack@hotmail.com, sheriffmack@protonmail.com), Sam Bushman, or anyone communicating from an email address ending in cspoa.org
24. Randy Miller (itstime152@protonmail.ch, randymiller0608@yahoo.com)
25. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com)
26. Shawn Smith (ratioinvictus@protonmail.com)
27. Thomas Brechja, Andrew Bath, Tim Griffin, or anyone communicating from an email address ending in thomasmoresociety.org
28. Wicomico County, Maryland Sheriff Mike Lewis (mikelewis@wicomicocounty.org)

Please also 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 Sheriff Ivey received a mass-distribution news clip from an email address ending in cspoa.org, that initial email would not be responsive to this request. However, if Sheriff Ivey forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

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

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its 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 includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails or texts conducting government business sent or received on the personal account of the government official constitutes a record for purposes of Florida’s public records laws.¹

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

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 it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that 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 your office 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.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you

¹ *Cf. State v. City of Clearwater*, 863 So. 2d 149, 154 (Fla. 2003) (“The determining factor is the nature of the record, not its physical location.”).

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 electronic format by email or in PDF or TIF 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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.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, have any questions, or foresee any problems in fully releasing the requested records, please contact Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 113,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 30, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 30, 2023).