



January 30, 2023

**VIA U.S MAIL**

Wicomico County Sheriff's Office  
401 Naylor Mill Rd.  
Salisbury, MD 21801  
Via U.S. Mail

**Re: Public Information Act Request**

Dear Records Custodian:

Pursuant to the Maryland Public Information Act ("PIA") codified at Md. Code Ann., Gen. Prov. §§ 4-101 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Wicomico County Sheriff's Office produce the following records immediately or within a reasonable period upon approval, and in no more than thirty days after receipt of this request:<sup>1</sup>

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) Wicomico County Sheriff Mike Lewis, 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.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

**External Entities:**

1. Anyone communicating from an email address ending in [americaproject.com](http://americaproject.com) or [theamericaproject.com](http://theamericaproject.com)
2. Anyone communicating from an email address ending in [opsec.group](http://opsec.group)
3. Ashe Epp ([asheinamerica@protonmail.com](mailto:asheinamerica@protonmail.com))
4. Barry County, Michigan Sheriff Darren "Dar" Leaf, and/or anyone communicating from an email address ending in [barrycounty.org](http://barrycounty.org)
5. Brevard County, Florida Sheriff Wayne Ivey ([wayne.ivey@bcso.us](mailto:wayne.ivey@bcso.us))

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<sup>1</sup> Md. Code Ann., Gen. Prov. §§ 4-203(a)(1)–(b)(1).



6. Culpeper County, Virginia Sheriff Scott Jenkins ([sheriffjenkins@culpepersheriffsoffice.com](mailto:sheriffjenkins@culpepersheriffsoffice.com), [sheriffjenkins@culpepercounty.gov](mailto:sheriffjenkins@culpepercounty.gov))
7. Former Bristol County, Massachusetts Sheriff Tom Hodgson ([sheriffhodgson@comcast.net](mailto:sheriffhodgson@comcast.net), [sheriff@bcso-ma.org](mailto:sheriff@bcso-ma.org))
8. Clela Mitchell ([cleta@cletamitchell.com](mailto:cleta@cletamitchell.com), [cmitchell@foley.com](mailto: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](mailto:jim@jimarnott.com), [jarnott@greenecountymo.gov](mailto:jarnott@greenecountymo.gov))
11. Holly Kasun ([hollyataltitude@protonmail.com](mailto:hollyataltitude@protonmail.com))
12. Jacqueline Timmer, or anyone communicating from an email address ending in got-freedom.org or americanvotersalliance.org
13. Jeff O'Donnell ([loneraccoon@protonmail.com](mailto:loneraccoon@protonmail.com)), and/or anyone communicating from an email address ending in ordros.com
14. Former Livingston County, Illinois Sheriff Tony Childress ([tchildress@livingstoncountyil.gov](mailto:tchildress@livingstoncountyil.gov))
15. Logan County, Oklahoma Sheriff Damon Devereaux ([ddevereaux@logancountyso.org](mailto:ddevereaux@logancountyso.org)), or anyone communicating from an email address ending in logancountyso.org
16. Luis Cornelio ([luis.cornelio@protonmail.com](mailto:luis.cornelio@protonmail.com), [lcornel001@citymail.cuny.edu](mailto:lcornel001@citymail.cuny.edu))
17. Michele Replogle ([micrep@protonmail.com](mailto:micrep@protonmail.com), [micrep@pm.me](mailto:micrep@pm.me)), and/or anyone communicating from an email address ending in causeofamerica.org
18. Panola County, Texas Sheriff Cutter Clinton ([clintoncutter@gmail.com](mailto:clintoncutter@gmail.com), [cutter.clinton@co.panola.tx.us](mailto:cutter.clinton@co.panola.tx.us))
19. Phill Kline ([phillklineva@gmail.com](mailto:phillklineva@gmail.com))
20. Pinal County, Arizona Sheriff Mark Lamb ([mark.lamb@pinal.gov](mailto:mark.lamb@pinal.gov), [mark.lamb@protonmail.com](mailto:mark.lamb@protonmail.com))
21. Racine County, Wisconsin Sheriff Christopher Schmaling ([chris.schmaling@gmail.com](mailto:chris.schmaling@gmail.com), [chris.schmaling@racinecounty.com](mailto:chris.schmaling@racinecounty.com)), and/or anyone communicating from an email address ending in racinecounty.com
22. Richard Mack ([cspoa2011@gmail.com](mailto:cspoa2011@gmail.com), [sheriffmack@hotmail.com](mailto:sheriffmack@hotmail.com), [sheriffmack@protonmail.com](mailto:sheriffmack@protonmail.com)), Sam Bushman, or anyone communicating from an email address ending in cspoa.org
23. Randy Miller ([itstime152@protonmail.ch](mailto:itstime152@protonmail.ch), [randymiller0608@yahoo.com](mailto:randymiller0608@yahoo.com))
24. Seth Keshel ([skeshel@protonmail.com](mailto:skeshel@protonmail.com), [skeshel@gmail.com](mailto:skeshel@gmail.com))
25. Shawn Smith ([ratioinvictus@protonmail.com](mailto:ratioinvictus@protonmail.com))
26. Thomas Brechja, Andrew Bath, Tim Griffin, or anyone communicating from an email address ending in thomasmoresociety.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 Lewis 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 Lewis forwarded that email to another individual with his own

commentary, that subsequent message would be responsive to this request and should be produced.

### **Fee Waiver Request**

In accordance with Md. Code Ann., Gen. Prov. § 4-206(e), American Oversight requests a waiver of fees associated with processing this request for records. A fee waiver is in the public interest because disclosure of the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Because American Oversight is a 501(c)(3) nonprofit dedicated to government transparency, and the request is primarily and fundamentally for non-commercial purposes, a fee waiver will serve the public interest by furthering American Oversight's nonprofit mission to inform and educate the public through the release of public records.

A waiver of fees is “in the public interest,”<sup>2</sup> because disclosure of the requested records will inform the public concerning government activities and operations of interest. This request is made for noncommercial purposes. American Oversight seeks records regarding public officials elevating baseless allegations of widespread voter fraud.<sup>3</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent Wicomico County officials have communicated with external entities regarding these allegations. 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.

This request is primarily and fundamentally for non-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.<sup>4</sup>

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<sup>2</sup> Md. Code Ann., Gen. Prov. § 4-206(e)(2)(ii).

<sup>3</sup> Isaac Stone Simonelli, *Arizona 'Ground Zero' for Extremist, Anti-Government Sheriff Movement*, AZ Mirror (Oct. 21, 2022, 7:11 AM), <https://www.azmirror.com/2022/10/21/arizona-ground-zero-for-extremist-anti-government-constitutional-sheriffs-movement/>; Peter Stone, *MyPillow Chief Spends Tens of Millions in Fresh Crusade to Push Trump's Big Lie*, The Guardian (updated Aug. 4, 2022, 11:54 AM), <https://www.theguardian.com/us-news/2022/aug/04/my-pillow-mike-lindell-trump-big-lie-election-fraud>.

<sup>4</sup> American Oversight currently has approximately 16,000 followers likes on Facebook and 113,000 followers on Twitter. American Oversight, Facebook,

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.<sup>5</sup> 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;<sup>6</sup> posting records and analysis of federal and state governments’ responses to the Coronavirus pandemic;<sup>7</sup> posting records received as part of American 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;<sup>8</sup> 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.<sup>9</sup>

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<https://www.facebook.com/weareoversight/> (last visited Jan. 30, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 30, 2023).

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

<sup>6</sup> 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>.

<sup>7</sup> 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, <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>.

<sup>8</sup> 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>.

<sup>9</sup> *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>.

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the PIA.<sup>10</sup>
- 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.<sup>11</sup> 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

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<sup>10</sup> See Md. Public Information Act Manual 1-6 (15th ed., Nov. 2020) (“email communications from private email accounts and text messages stored on private devices [ that ] are made or received by a custodian in connection with the transaction of public business, they are public records.”).

<sup>11</sup> Md. Code Ann., Gen. Prov. § 4-203(c)(1)(ii); *Blythe v. State*, 161 Md. App. 492, 519, cert. granted, 388 Md. 97 (2005).

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 Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507. 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/ Khahilia Shaw  
Khahilia Shaw  
On behalf of  
American Oversight