



February 23, 2023

VIA EMAIL

Brevard County Sheriff's Office
700 Park Avenue
Titusville, FL 32780
Records@bcso.us

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:

1. All electronic communications (including email messages, complete email chains, calendar invitations, text messages, and any attachments) between (A) Sheriff Wayne Ivey or Undersheriff Douglas Waller, and (B) any of the state or county officials listed below, or anyone communicating on the listed officials' behalf.

State or County Officials

- a. State Attorney Phil Archer
 - b. Brevard Public Schools Chief Operating Officer Rachad Wilson
 - c. Former Superintendent Dr. Mark Mullins
 - d. Interim Superintendent Robert E. Schiller
 - e. School Board Chairman Matt Susin
 - f. School Board member Megan Wright
 - g. School Board member Gene Trent
 - h. School Board member Katy Campbell
2. All email communications (including any email messages, attachments, or calendar invitations) sent by Sheriff Wayne Ivey or Undersheriff Douglas Waller containing any of the key terms listed below.

Key Terms

- a. "corporal punishment"
- b. "school discipline"
- c. "local 1010"



- d. detention
 - e. spank
 - f. spanking
 - g. suspend
 - h. suspension
 - i. expulsion
 - j. expel
 - k. teacher
 - l. principal
3. All email communications (including email messages, complete email chains, calendar invitations, and any attachments) sent by (A) Sheriff Wayne Ivey or Undersheriff Douglas Waller, to (B) anyone communicating on behalf of any of the external organizations or individuals listed below (including, but not limited to, anyone communicating from an email address ending in the listed domain(s)).

External Organizations and Individuals

- a. Alliance Defending Freedom (adflegal.org)
- b. Family Research Council (frc.org or frcaction.org)
- c. Family Policy Alliance (familypolicyalliance.com)
- d. American Family Association (afa.net)
- e. Concerned Women for America (concernedwomen.org or cwfa.org)
- f. Heritage Foundation (Heritage.org and heritageaction.com)
- g. Fight for Schools (fightforschools.com)
- h. America First Legal (aflegal.org and athospr.com)
- i. PragerU (prageruniversity.com or prageru.com)
- j. Liberty Institute (liberty.edu)
- k. American Enterprise Institute (aei.org)
- l. Independent Women’s Forum (iwf.org)
- m. Center for Renewing America (americarenewing.com)
- n. Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, or crufu@manhattan-institute.org)
- o. Hillsdale College (hillsdale.edu)

For all parts of this request, please provide all responsive records from August 1, 2022, through the date the search is conducted.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Parts 2 and 3 of its request to emails sent by Sheriff Ivey or Undersheriff Waller. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that Undersheriff Waller’s response to an email from one of the organizations listed in Part 3 and the initial received message are both 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 undertake your search or incur search or duplication costs. By working together at the

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.”).

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 112,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 22, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 22, 2023).