



April 28, 2023

VIA EMAIL

South Carolina Attorney General's Office
FOIA Office
P.O. Box 11549
Columbia, SC 29211
foia@scag.gov

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the South Carolina Attorney General's Office promptly produce the following records:¹

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) between (a) Attorney General Alan Wilson, or anyone communicating on his behalf (such as an assistant or scheduler), and (b) any of the external entities or individuals listed below (including, but not limited to, at the listed email addresses and email domains).

External Parties:

- i. Evan Baehr (evanbaehr.com), Jonathan Bunch, Brandon Simmons, Hillary Waldron, Lila Ontiveros, Paul Vronsky, Salen Churi, Allison Lee Pillinger Choi, Stephen Duvernay, Sam Corcos, John Coleman, Amanda Covo, Laurel Simmons, Lindsey Lawrence, Tousley Leake, Vince Evans, Hixon Frank, Patrick Roy, Carlee Tousman, Wesley Drees, Rebecca Silver, or anyone communicating on behalf of the Teneo Network (teneonetwork.com)
- ii. U.S. Senator J.D. Vance, or anyone communicating on behalf of his office (vance.senate.gov)

¹ Pursuant to S.C. Code Ann. § 30-4-30(C), please notify American Oversight of your final determination as to the public availability of the requested records within ten business days and produce the records within thirty calendar days after issuing your final determination.



- iii. U.S. Senator Josh Hawley, or anyone communicating on behalf of his office (hawley.senate.gov)
 - iv. U.S. Congresswoman Elise Stefanik, or anyone communicating on behalf of her office (including, but not limited to, Connor McNulty, Harrison Furman, Mary Ruhlen, Palmer Brigham, or Patrick Stewart Hester)
 - v. U.S. Congressman Mike Gallagher, or anyone communicating on behalf of his office (including, but not limited to, Jack Ciesinski, Jordan Dunn, or Taylor Andreae)
 - vi. Nebraska Attorney General Mike Hilgers, or anyone communicating on his behalf
 - vii. Virginia Solicitor General Andrew Ferguson (aferguson@oag.state.va.us), or anyone communicating on his behalf
 - viii. Alabama Attorney General Steve Marshall (steve.marshall@alabamaag.gov), or anyone communicating on his behalf
 - ix. Anyone communicating on behalf of the Executive Office of the Florida Governor Ron DeSantis (eog.myflorida.com)
 - x. Dee Duncan, Republican State Leadership Committee President (dduncan@rslc.gop)
 - xi. Charlie Kirk, Turning Point USA CEO (charlie.kirk@tpusa.com)
 - xii. Ben Shapiro (bshapiro@dailywire.com)
 - xiii. Ryan Holte, U.S. Court of Federal Claims Judge
 - xiv. Kathryn Kimball Mizelle, U.S. District Judge
 - xv. Anyone communicating on behalf of CRC Advisors (crcadvisors.com or crcpublicrelations.com)
 - xvi. Leonard Leo (leonard.leo@fed-soc.org, ll@leonardleo.com, leonard.anthony.leo@gmail.com, lleo@fed-soc.org, leonard.leo@mindspring.com, leonard.leo@hotmail.com)
2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) sent or received by Attorney General Alan Wilson, or anyone communicating on his behalf (including, but not limited to, an assistant or scheduler), containing any of the following search terms.

Search Terms:

- | | |
|----------------------|---------------------------|
| i. Teneo | x. Churi |
| ii. Tenean | xi. Choi |
| iii. Teneans | xii. Duvernay |
| iv. Baehr | xiii. Corcos |
| v. “Leonard Leo” | xiv. Coleman |
| vi. “Jonathan Bunch” | xv. Covo |
| vii. Waldron | xvi. “Brandon Simmons” |
| viii. Ontiveros | xvii. “Laurel Simmons” |
| ix. Vronsky | xviii. “Lindsey Lawrence” |

- | | | | |
|--------|---------------|--------|------------------|
| xix. | Leake | xxiv. | Drees |
| xx. | “Vince Evans” | xxv. | “Rebecca Silver” |
| xxi. | “Hixon Frank” | xxvi. | “South Beach” |
| xxii. | “Patrick Roy” | xxvii. | CRC |
| xxiii. | Tousman | | |

For request items 1 and 2, please 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 Attorney General Alan Wilson received a mass-distribution newsletter email from the Teneo Network or referencing “Teneo,” that initial email would not be responsive to this request. However, if Attorney General Wilson responded to or forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

3. All records reflecting the substance or participants of any virtual, remote, or in-person meeting attended by (a) Attorney General Alan Wilson, or anyone representing Attorney General Wilson, and (b) any representative or member of the Teneo Network or any of the external parties listed in item 1 above, including agendas, meeting minutes or summaries (including handwritten notes and informal email summaries), participant lists, calendar entries, and any materials exchanged by parties before, during, or after attending the meeting.

Please provide all responsive records from January 1, 2022, through the date the search is conducted.

Fee Waiver Request

In accordance with S.C. Code Ann. § 30-4-30(B), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. In addition, this request is primarily and fundamentally for non-commercial purposes.

A waiver of fees is “in the public interest because furnishing the information can be considered as primarily benefiting the general public.”² The general public has a significant interest in understanding the development of policy priorities within the South Carolina Attorney General’s Office. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent select third party groups have promoted specific policy priorities to the South Carolina Attorney General’s Office. American Oversight is committed to transparency and makes the responses agencies

² S.C. Code Ann. § 30-4-30(B).

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.

Furthermore, American Oversight's work is aimed solely at serving the public interest. 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.³

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.⁴ 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;⁵ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁶ posting records received as part of American

³ American Oversight currently has approximately 16,000 followers on Facebook and 112,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 26, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 26, 2023).

⁴ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁵ 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>.

⁶ 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>.

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;⁷ 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.⁸

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. 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. 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 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

⁷ 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>.

⁸ *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>.

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.⁹ 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 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, have any questions, or foresee any problems in

⁹ S.C. Code Ann. § 30-4-40(b).

fully releasing the requested records, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight