



April 28, 2020

**VIA ELECTRONIC MAIL**

Nicole Ferris  
Public Affairs Department  
Palm Beach County  
301 N. Olive Avenue  
West Palm Beach, FL 33401  
[nferris@pbcgov.org](mailto:nferris@pbcgov.org)

**Re: Public Records Request**

Dear Public Records Officer:

Pursuant to 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 directives, orders, memoranda, or guidance from the Office of Governor Ron DeSantis, the Office of Attorney General Ashley Moody, the Florida Department of Health, or any employees or representatives thereof, regarding the processing of public records requests that seek records regarding the coronavirus outbreak, including, but not limited to, records regarding how public agencies or officials are responding to the coronavirus outbreak.
2. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between **(A)** the government officials listed below, and **(B)** anyone with an email address ending in [@eog.myflorida.com](mailto:@eog.myflorida.com), [@flgov.com](mailto:@flgov.com), [@flhealth.gov](mailto:@flhealth.gov), or [@myfloridalegal.com](mailto:@myfloridalegal.com), that include any of the key terms that follow.

Government Officials

- i. Mayor Dave Kerner
- ii. Commission Administrative Aide David Bernhardt
- iii. Commission Administrative Aide Danna Ackerman-White
- iv. Commission Secretary Katherine Suhar
- v. Vice Mayor Robert S. Weinroth
- vi. Senior Administrative Assistant Lucia Bonavita
- vii. Administrative Assistant Alexandria Ayala
- viii. County Administrator Verdenia C. Baker



- ix. Deputy County Administrator Jon Van Arnam
- x. County Attorney Denise Marie Nieman

Key Terms:<sup>1</sup>

- “Records requests”
- “Record requests”
- “Records request”
- “Record request”
- “Request for records”
- “Requests for records”
- “PRR”
- “PRRs”
- “PRL”
- “Sunshine law”
- “FOIA”
- “Herald”
- “Klas”
- “Weaver”
- “Ovalle”
- “Neal”
- “Smiley”
- “Chang”
- “Gross”
- “Conarck”
- “Holland & Knight”
- “H&K”
- “H & K”
- “Bohrer”
- “Meros”
- “American Oversight”
- “Evers”
- “Monahan”
- “CREW”
- “Citizens for Responsibility and Ethics in Washington”
- “PILF”
- “Public Interest Legal Foundation”
- “American Civil Rights Union”
- “ACRU”
- “First Amendment Foundation”
- “FAF”
- “FLFAF”

For both items 1 and 2, please provide all responsive records from March 1, 2020, to the date of the search.

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

We understand that your office’s capacity may be impacted by the coronavirus outbreak and response efforts. Should that be the case, we would be happy to discuss potential streamlining or narrowing of our request, reasonable delays in processing this request, or other accommodations. Please feel free to contact us at the telephone number listed in the final paragraph of this letter. We look forward to working with you.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics, and includes any attachments to these records

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<sup>1</sup> American Oversight has sought to avoid phrases related to the public records law that are likely to appear in boilerplate language in officials’ signature lines. In the event that one of the key terms above does appear in boilerplate language and produces a high volume of records, please let us know and we can discuss narrowing the request.

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 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.<sup>2</sup>

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<sup>2</sup> American Oversight currently has approximately 15,500 page likes on Facebook and 102,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/>

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 Christine H. Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers  
Executive Director  
American Oversight

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(last visited Apr. 22, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 22, 2020).