



March 10, 2021

**VIA EMAIL**

Wendee Hartman  
Manager of the Records Unit  
Government Services Building  
1769 E. Moody Boulevard, Building 2  
Bunnell, FL 32110  
[publicrecordsrequest@flaglersheriff.com](mailto:publicrecordsrequest@flaglersheriff.com)

**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.

On January 6, 2020, rioters stormed the U.S. Capitol, inciting violence that resulted in five deaths.<sup>1</sup> Flagler County Sergeant Mike Lutz spoke to a group of residents heading to Washington to attend the rally in protest of certifying the election of President Joe Biden.<sup>2</sup>

**Requested Records**

American Oversight requests that Flagler County Sheriff's Office promptly produce the following:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by Sheriff Rick Staly or Sergeant Mike Lutz containing any of the key terms below.

Please provide all responsive records from January 1, 2021, through January 15, 2021.

Key Terms:

- i. "dirty city"
- ii. Mullins

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<sup>1</sup> Eric Levenson et al., *What We Know About the 5 Deaths in the Pro-Trump Mob that Stormed the Capitol*, CNN (Jan. 8, 2021, 5:29 PM), <https://www.cnn.com/2021/01/07/us/capitol-mob-deaths/index.html>.

<sup>2</sup> *Flagler Commissioners Strongly Repudiate Mullins Letter on County Letterhead Disputing Biden Election*, FlaglerLive, Jan. 6, 2021, <https://flaglerlive.com/160019/mullins-sabatini-letter/>.



iii.	Constitution	xviii.	D.C.
iv.	“Gift cards”	xix.	Washington
v.	Resign	xx.	RNC
vi.	Facebook	xxi.	DNC
vii.	“Social media”	xxii.	Patriot
viii.	Capitol	xxiii.	Patriots
ix.	“Stop the steal”	xxiv.	Pelosi
x.	“Save America”	xxv.	Schumer
xi.	“Rally to Revival”	xxvi.	Pence
xii.	Storm	xxvii.	“Our House”
xiii.	Trump	xxviii.	MAGA
xiv.	President	xxix.	“great again”
xv.	Biden	xxx.	Caravan
xvi.	Congress	xxxii.	Parler
xvii.	DC	xxxiii.	Gab
			QAnon

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Sheriff Rick Staly or Sergeant Mike Lutz. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, both Sergeant Mike Lutz’s response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received Sheriff Rick Staly or Sergeant Mike Lutz containing any of the key terms listed in Part 1, above.

Please provide all responsive records from January 1, 2021, through January 15, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Sergeant Lutz sent or received a text message containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

### **Guidance Regarding the Search & Processing of Requested Records**

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. 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>1</sup>

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<sup>1</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 4, 2020); American

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

Sincerely,

*/s/Christine Monahan*  
Christine Monahan  
on behalf of  
American Oversight

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Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 4, 2020).