



April 23, 2021

VIA FACSIMILE

Assistant Attorney General Philip Michael
Kansas Attorney General's Office
Memorial Hall
120 SW 10th Street, 2nd Floor
Topeka, KS 66612-1597
Fax: (785) 296-6296

Re: Kansas Open Records Act Request

Dear Assistant Attorney General Michael:

Pursuant to the Kansas Open Records Act (KORA), Kan. Stat. §§ 45-215 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within three business days:

All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by (a) Attorney General Derek Schmidt, or anyone communicating on Schmidt's behalf (such as a Chief of Staff, assistant, or secretary), to (b) any of the external entities listed below:

External Entities:

1. Georgia Attorney General Chris Carr or anyone communicating on Carr's behalf (such as a Chief of Staff, assistant, or scheduler)
2. Alabama Attorney General Steve Marshall, or anyone communicating on Marshall's behalf (such as a Chief of Staff, assistant, or scheduler)
3. Anyone communicating from the Republican Attorneys General Association, including from an email ending in @republicanags.com
4. Anyone communicating from Devon Energy Corporation, including from an email address ending in @dvn.com
5. Anyone communicating from Peabody Energy, including from an email address ending in @peabodyenergy.com
6. Anyone communicating from Murray Energy Corporation, including from an email address ending in @murrayenergycorp.com
7. Anyone communicating from Southern Company, including from an email address ending in @southerncompany.com



8. Anyone communicating from American Fuel & Petrochemical Manufacturers, including from an email address ending in @afpm.org
9. Anyone communicating from America's Power, including from an email address ending in @americaspower.org
10. Anyone communicating from Western Energy Alliance, including from an email address ending in @westernenergyalliance.org
11. Anyone communicating from American Petroleum Institute including from an email address ending in @api.org
12. Anyone communicating from Independent Petroleum Association of America, including from an email address ending in @ipaa.org
13. Anyone communicating from Koch Ag & Energy Solutions including from an email address ending in @kochind.com
14. Anyone communicating from the Kansas Farm Bureau, including from an email address ending in @kfb.org

Please provide all responsive records from January 20, 2021, through March 8, 2021.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the officials listed above. 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 both Attorney General Schmidt's response to an email from one of the external entities listed above and the initial received message are 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.

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.

- 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 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.

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.

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.¹

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

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 12, 2021); American

understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 12, 2021).