



June 17, 2021

VIA EMAIL

Representative Mark Finchem
Arizona State Capitol Complex
1700 W. Washington Street, Room 313
Phoenix, AZ 85007
mfinchem@azleg.gov

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office promptly produce the following records:

1. Records reflecting the expenses and costs incurred by Representative Mark Finchem related to the legislative member's trip to the audit of Maricopa County votes taking place at the Veterans Memorial Coliseum in Phoenix, Arizona.¹

To the extent your office has aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent your office does not have an aggregated record of these costs, American Oversight requests records reflecting those costs, such as receipts, invoices, charge card or credit card statements, and reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation companies; costs incurred for government transportation; the cost of meals or refreshments; and diem payments.

Relevant expenses include costs associated with the travel of the above-referenced member of the legislature and of any staff members, family members, or other individuals travelling with the legislative member.

¹ Andrew Oxford et al, *Arizona Audit of Maricopa County Ballots Has Attracted Out-of-State Visitors. Here's the List*, AZ Republic (June 14, 2021, 6:07 PM), <https://www.azcentral.com/story/news/politics/arizona/2021/06/14/arizona-audit-full-list-republican-lawmakers-who-visited-coliseum/7670482002/>.



2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Representative Mark Finchem or anyone communicating on their behalf such as a Chief of Staff, scheduler, or assistant, regarding the legislative member's trip to the audit of Maricopa County votes taking place at the Veterans Memorial Coliseum in Phoenix, Arizona.²

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 above-referenced member of the legislature and their staff. 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 the legislative member's response to an email about the trip and the initial received message are responsive to this request and should be produced.

3. Any handouts, agendas, summaries, or notes created by or provided to Representative Finchem as part of their trip to the audit of Maricopa County votes taking place at the Veterans Memorial Coliseum in Phoenix, Arizona.³ Responsive records would include, but not be limited to, electronic or hard-copy documents provided to the legislative member during their tour of audit facilities, and formal or informal descriptions or analyses of the Maricopa County election audit created by the legislative member or any member of their staff.
4. All email communications (including emails, email attachments, complete email chains, and calendar invitations) between (a) Representative Finchem or anyone communicating on their behalf such as a Chief of Staff, scheduler, or assistant and (b) Christiana Bobb, or anyone communicating on behalf of One American News Network (OANN), including from an email address ending in @oann.com.

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 the legislative member received a mass-distribution news clip email from OANN that initial email would not be responsive to this request. However, if the legislative member forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

² For further identifying information, please see *id.*

³ Andrew Oxford et al, *Arizona Audit of Maricopa County Ballots Has Attracted Out-of-State Visitors. Here's the List*, AZ Republic (June 14, 2021, 6:07 PM), <https://www.azcentral.com/story/news/politics/arizona/2021/06/14/arizona-audit-full-list-republican-lawmakers-who-visited-coliseum/7670482002/>

For all parts of this request, please provide all responsive records from May 1, 2021 through June 14, 2021.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding visits by Arizona lawmakers to the site of the Maricopa County audit. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the costs of these trips.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. 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.⁴

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.⁵ Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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

⁴ 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 June 14, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 14, 2021).

⁵ A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

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.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- 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.

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, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight