



June 11, 2021

VIA EMAIL

Attn: Records Custodian
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601-3449
KyOAGOR@ky.gov

Re: Open Records Act Request

Dear Records Custodian:

Pursuant to the Kentucky Open Records Act (KORA), codified at KRS §§ 61.870 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Attorney General produce copies of 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 Daniel Cameron or Solicitor General Chad Meredith, or anyone communicating on their behalf (such as a chief of staff, assistant, or secretary), to (b) any of the external entities or individuals listed below.

Please provide all responsive records from January 20, 2021, through April 22, 2021.

External Entities and Individuals:

1. Anyone communicating from Devon Energy Corporation, including from an email address ending in @dvn.com
2. Anyone communicating from Peabody Energy, including from an email address ending in @peabodyenergy.com
3. Anyone communicating from Murray Energy Corporation, including from an email address ending in @murrayenergycorp.com
4. Anyone communicating from Southern Company, including from an email address ending in @southerncompany.com
5. Anyone communicating from American Fuel & Petrochemical Manufacturers, including from an email address ending in @afpm.org
6. Anyone communicating from America's Power, including from an email address ending in @americaspower.org



7. Anyone communicating from Western Energy Alliance, including from an email address ending in @westernenergyalliance.org
8. Anyone communicating from American Petroleum Institute, including from an email address ending in @api.org
9. Anyone communicating from Independent Petroleum Association of America, including from an email address ending in @ipaa.org
10. Anyone communicating from Koch Ag & Energy Solutions, including from an email address ending in @kochind.com
11. Anyone communicating from the Kentucky Farm Bureau, including from an email address ending in @kyfb.org
12. Anyone communicating from the Heritage Foundation, including from an email address ending in @heritage.org
13. Anyone communicating from the Heartland Institute, including from an email address ending in @heartland.org
14. Anyone communicating from the U.S. Chamber of Commerce, including from an email address ending in @uschamber.com
15. Anyone communicating from Americans for Prosperity, including from an email address ending in @americansforprosperity.org
16. Anyone communicating from the Republican Attorneys General Association, including from an email ending in @republicanags.com
17. Anyone communicating from the Rule of Law Defense Fund, including from an email ending in @rldf.org or @ruleoflawdefensefund.org
18. Missouri Attorney General Eric Schmitt (ag@ago.mo.gov or eric.schmitt@ago.mo.gov), or anyone communicating on Schmitt's behalf (such as a chief of staff, assistant, or scheduler)
19. South Carolina Attorney General Alan Wilson (agwilson@scag.gov, wilsonforag@gmail.com), or anyone communicating on Wilson's behalf (such as a chief of staff, assistant, or scheduler)
20. Arizona Attorney General Mark Brnovich (@azag.gov, thebrno@gmail.com), or anyone communicating on Brnovich's behalf (such as a Chief of Staff, assistant, or scheduler)

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 Cameron'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.

Pursuant to KRS § 61.880(1), American Oversight requests that you notify us within three workdays as to whether you will comply with this request.

Statement of Noncommercial Purpose

This request is for noncommercial purposes, and American Oversight respectfully requests a waiver of any fees associated with processing this request for records. To the

extent any fees are charged, pursuant to KRS § 61.874(3), American Oversight asks that such fees be limited to the actual cost of reproduction and exclude the cost of agency staff time.

This request is primarily and fundamentally for non-commercial purposes. American Oversight seeks the records requested to inform the public regarding interactions Attorney General Cameron or Solicitor General Meredith may have had with representatives of the energy industry and the extent to which those interactions may have affected actions by the Attorney General's Office.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether Attorney General Cameron is undertaking official actions to benefit Kentuckians or outside interests.

Furthermore, 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.²

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's investigations into misconduct and corruption in state governments;⁴ 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;⁵ posting records received

¹ Brian Miller, *Kentucky Joins 10-State Lawsuit Over President Biden's Carbon Executive Order*, 44 News (Apr. 22, 2021, 7:10 PM),

<https://www.wevv.com/content/news/Kentucky-Joins-10-State-Lawsuit-Over-President-Bidens-Carbon-Executive-Order-574259981.html>.

² American Oversight currently has approximately 15,700 followers on Facebook and 106,100 followers on Twitter. American Oversight, Facebook,

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

³ *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ *State Investigations*, American Oversight, <https://www.americanoversight.org/states>.

⁵ *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>.

as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;⁷ posting records and analysis relating to the federal government’s efforts to sell nuclear technology to Saudi Arabia;⁸ and posting records and analysis regarding the Department of Justice’s decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President’s political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.⁹

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:

- 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. *See* KRS § 61.878(4). If a request is denied in whole,

⁶ *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>.

⁷ *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

⁸ *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

⁹ *Sessions’ Letter Shows DOJ Acted on Trump’s Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

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. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

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