



January 12, 2023

VIA ONLINE PORTAL

Eddy County
Administration Complex
101 West Greene Street
Carlsbad, NM 88220
Via Online Portal

Re: Public Records Act Request

Dear Custodian of Public Records:

Pursuant to the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978, Chapter 14, Article 2, American Oversight makes the following request for copies of public records.

Requested Records

American Oversight requests that Eddy County produce the following records within three business days:¹

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between Sheriff Mark Cage and any of the specified external persons listed below (including, but not limited to, communications from the specified email addresses or domains).
 - a. John Eastman (jeastman@claremont.org, jeastman@chapman.edu, john.eastman@colorado.edu, jeastman@ccg1776.com, or jeastman562@gmail.com)
 - b. Anyone from the Claremont Institute (claremont.org)
 - c. Michael Anton (manton@hillsdale.edu)
 - d. David Azerrad (dazerrad@hillsdale.edu)
 - e. Glenn Ellmers (ellmersg@gmail.com)
 - f. Heather MacDonald (hmacdonald@manhattan-institute.org)
 - g. Brian T. Kennedy (briantraviskennedy@gmail.com)
 - h. Arthur Milikh (amilikh@claremont.org)
 - i. Ronald T. Pestritto (rpestritto@hillsdale.edu)

¹ If the inspection is not permitted within three business days, please explain in writing when the records will be available or when you will respond to the request and make the records available no later than fifteen days after receipt of this request. NMSA § 14-2-8.



- j. Matthew J. Peterson (mpeterson@claremont.org)
 - k. David Raney (draney@hillsdale.edu)
 - l. Kyle Shideler (kshideler@centerforsecuritypolicy.org)
 - m. Ryan Williams (rwilliams@claremont.org)
 - n. Scott Yenor (syenor@boisestate.edu)
 - o. Catherine Engelbrecht, or anyone from True the Vote (truethevote.org or truethevote.com)
 - p. Anyone from Protect America Now (protectamericanow.com)
 - q. Gregg Phillips (patriotgames.com), or anyone from OPSEC Group LLC (opsec.group)
 - r. Pinal County, Arizona Sheriff Mark Lamb (mark.lamb@pinal.gov, mark.lamb@protonmail.com)
 - s. Culpeper County, Virginia Sheriff Scott Jenkins (sheriffjenkins@culpepercountysheriffsoffice.com, sheriffjenkins@culpepercounty.gov)
 - t. Former Livingston County, Illinois Sheriff Tony Childress (tchildress@livingstoncountyil.gov)
 - u. Former Bristol County, Massachusetts Sheriff Tom Hodgson (sheriffhodgson@comcast.net, sheriff@bcso-ma.org)
2. Any agendas, handouts, presentation materials, or programs in the possession of Sheriff Cage related to the 2022 Claremont Institute Sheriffs Fellowship.

For parts 1 and 2 of this request, please provide all responsive records from July 1, 2022, through the date of the search.

3. Records reflecting the expenses and costs incurred by the Eddy County Sheriff's Office related to Sheriff Mark Cage's participation in the 2022 Claremont Institute Sheriffs Fellowship in Huntington Beach, CA from November 12-18, 2022.

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 per diem payments.

Relevant expenses include costs associated with the travel of Sheriff Cage, and of any staff members, family members, or other individuals travelling with him.

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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the IPRA.²
- 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.³ 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

² See Office of the New Mexico Attorney General, *Inspection of Public Records Act Compliance Guide* at 26 (8th ed. 2015) (“if email is used to conduct public business, the email is a public record even though a personal account is used”).

³ NMSA § 14-2-9(A).

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.⁴

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 113,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 11, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 11, 2023).