



June 20, 2023

**VIA EMAIL**

Public Records  
Office of the State Treasurer Arizona  
1700 W. Washington St., #102  
Phoenix, AZ 85007  
[PublicRecords@aztreasury.gov](mailto:PublicRecords@aztreasury.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. All email communications (including email messages, complete email chains, calendar invitations, and any attachments) between (a) any of the agency officials listed below, and (b) any outside individual or organization listed below, including, but not limited to, anyone communicating from the listed email address(es) or an email address ending in the listed domain(s).
  - a. Treasurer Kimberly Yee
  - b. Deputy State Treasurer Arizona Mark Swenson
  - c. Deputy State Treasurer Operations Jackie Harding
  - d. Assistant Deputy Treasurer for Legal and Government Affairs Jeff Kros
  - e. AZ529 Plan Administrator Jeffrey Ong

**Outside Individuals & Organizations**

- a. Consumers' Research, including but not limited to Will Hild (consumersresearch.org)
- b. Consumers' Defense (consumersdefense.com)
- c. Leonard Leo ([leonard.leo@fed-soc.org](mailto:leonard.leo@fed-soc.org), [ll@leonardleo.com](mailto:ll@leonardleo.com), [leonard.anthony.leo@gmail.com](mailto:leonard.anthony.leo@gmail.com), [lleo@fed-soc.org](mailto:lleo@fed-soc.org), [leonard.leo@mindspring.com](mailto:leonard.leo@mindspring.com), [leonard.leo@hotmail.com](mailto:leonard.leo@hotmail.com), honestelections.org, teneonetwork.com)
- d. CRC Advisors, including but not limited to Mike Thompson (crcadvisors.com or crcpublicrelations.com)
- e. State Financial Officers Foundation (sfof.com)



- f. Free Enterprise Project or the National Center (nationalcenter.org)
  - g. Andy Puzder (ckr.com, Puzder.com, [andy@puzder.com](mailto:andy@puzder.com))
  - h. Job Creators Network, including but not limited to Bernie Marcus, Alfredo Ortiz, or Tyrone Latchman (JobCreatorsNetwork.com)
  - i. Strive Asset Management, including but not limited to Vivek Ramaswamy (strive.com)
  - j. Heritage Foundation or Heritage Action for America (heritage.org, heritageaction.com)
  - k. American Legislative Exchange Council, including but not limited to Jonathan Williams (alec.org)
  - l. Foundation for Government Accountability, including but not limited to Eric Blesdoe (thefga.org)
2. All email communications (including any email messages, attachments, or calendar invitations) sent by any of the agency officials identified in part 1 of this request and containing any of the following key terms:
- a. “BlackRock”
  - b. BLK
  - c. ESG
  - d. Fink

For part two of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part two of its request to emails sent by the listed individuals. 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 an email with a responsive key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from August 1, 2022, through the date the search is conducted.

### **Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding the Arizona Treasury’s divestment from BlackRock and other institutions that have adopted or use ESG factors in selecting investments. Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the government, including helping the public identify possible projected outcomes of divesting from BlackRock and other institutions that have adopted or use ESG factors in selecting investments.

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.<sup>1</sup>

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.<sup>2</sup> 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.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- 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.

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<sup>1</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 30, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 30, 2023).

<sup>2</sup> 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.

- 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 Ben Sparks at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1741.

Sincerely,

/s/ Ben Sparks  
Ben Sparks  
on behalf of  
American Oversight