



February 1, 2024

VIA EMAIL

Mary Rehbein
Director of Operations and Constituent Services
Office of the Lieutenant Governor
310 N. Blount St.
Raleigh, NC 27601
mary.rehbein@nc.gov

Re: Public Records Act Request

Dear Public Records Custodian:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes Chapter 132, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Lieutenant Governor produce the following records as promptly as possible:

1. Any records reflecting the substance or participants of the March 30, 2021¹ meeting between, at a minimum, Lieutenant Governor Mark Robinson and Virginia “Ginni” Thomas or any representatives of the group Frontliners for Liberty, including agendas, meeting minutes or summaries (including handwritten notes and information email summaries), participant lists, and any materials exchanged by parties attending the meeting.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and all text messages or messages on messaging platforms (such as Slack, GChat, Lync, Skype, Facebook messages, WhatsApp, Signal, Twitter.com direct messages, Telegram, Parler, Wickr, or Confide) between (a) any of the Office of the Lieutenant Governor officials listed below, and (b) any of the entities or individuals listed below or anyone communicating on behalf of any of the entities or individuals listed below (including, but not limited to, at the listed email addresses and/or domains).

¹ Sam Brodey, *North Carolina Guv Frontrunner Had Secret Meeting with Ginni Thomas After Jan. 6*, The Daily Beast (Jan. 11, 2024, 4:46 AM), <https://www.thedailybeast.com/north-carolina-guv-frontrunner-mark-robinson-had-secret-meeting-with-ginni-thomas-after-jan-6>.



Office of the Lieutenant Governor Officials:

- a. Lieutenant Governor Mark Robinson, or anyone communicating on his behalf, such as an assistant or scheduler
- b. Chief of Staff, General Counsel Brian LiVecchi
- c. Former Chief of Staff Conrad Pogorzelski III
- d. Deputy Chief of Staff Krishana Polite

External Entities or Individuals:

- i. Virginia “Ginni” Thomas, or anyone communicating on her behalf, including, but not limited to Crystal Clanton, anyone communicating from an email address ending in @libertyinc.co, or any phone number with the final four digits 8983 or 7611
 - ii. Supreme Court Justice Clarence Thomas, or anyone communicating on Justice Thomas’ behalf, such as a clerk, scheduler, or assistant
 - iii. Anyone communicating on behalf of Frontliners for Liberty
 - iv. Mark Meadows
3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 2 and containing any of the key terms listed below.

Key Terms:

- a. Ginni
- b. “Virginia Thomas”
- c. Groundswell
- d. “Third Century Group”
- e. “Frontliners for Liberty”
- f. “Liberty Consulting”
- g. Meadows
- h. Clanton

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 3 of this request to emails sent by the specified 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 individuals’ response to an email and the initial received message containing one of the listed key terms are responsive to this request and should be produced.

Please provide all responsive records from November 1, 2020, through the date of the search.

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, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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.²
- 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 Public Records Act.³
- 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,**

² N.C. Gen. Stat. Ann. § 132-1(a) (public records consist of documentary material “regardless of physical form or characteristics.”).

³ See Atty. Gen. Josh Stein, *North Carolina Open Government Guide* at 22 (2019), <https://ncdoj.gov/wp-content/uploads/2020/01/2019-Open-Government-Guide-2.pdf> (“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

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. 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.com.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 Elizabeth Haddix at records@americanoversight.org or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix
Elizabeth Haddix
on behalf of
American Oversight

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 31, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Jan. 31, 2024).