



March 1, 2022

**VIA ONLINE FORM**

El Paso County  
1675 Garden of the Gods Rd  
Colorado Springs, CO 80907  
Via Online Form

**Re: Open Records Act Request**

Dear Custodian of Records:

Pursuant to the Colorado Open Records Act, C.R.S. §§ 24-72-201 *et seq.*, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office produce the following records within three working days:

All electronic communications (including emails, email attachments, complete email chains, calendar invitations, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (a) County Clerk Chuck Broerman or Commissioner Carrie Geitner, and (b) any of the specified parties listed below.

In the case of emails and texts, the search should include those sent or received from County Clerk Chuck Broerman's or Commissioner Carrie Geitner's personal accounts and devices if they were used to conduct official business, as well those sent from official email addresses or government-issued devices.

**Specified Parties:**

1. Mike Lindell, and/or anyone communicating on his behalf (including, but not limited to, anyone communicating from an email address ending in @mypillow.com)
2. Christina Bobb, and/or anyone communicating on behalf of the One America News Network (@oann.com)
3. Pennsylvania Senators Doug Mastriano, Dave Argall, Cris Dush, and/or anyone communicating on behalf of the Pennsylvania State Senate (including, but not limited to, anyone communicating from an email address ending in @pasen.gov)
4. Former Wisconsin Supreme Court justice Michael Gableman (including, but not limited to, mgableman@yahoo.com or wispecialcounsel@gmail.com)



5. Sidney Powell, and/or anyone communicating on behalf of Sidney Powell, P.C. (including, but not limited to, anyone communicating from an email address ending in @federalappeals.com)
6. Former National Security Advisor Mike Flynn (@generalflynn.com), Joseph Flynn, and/or anyone communicating on behalf of America's Future
7. Rudolph Giuliani, and/or anyone communicating on his behalf (including, but not limited to, Jo Ann Zafonte, Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in @giulianisecurity.com, @giulianipartners.com, @gdcillc.com)
8. Cleta Mitchell (including, but not limited to, cleta@cletamitchell.com, cmitchell@foley.com, or email addresses ending in @bradleyfdn.org)
9. Thomas Datwyler (tcdatwyler@gmail.com), and/or anyone communicating on behalf of the American Voting Rights Foundation
10. Phill Kline (including, but not limited to, phillklineva@gmail.com), Jacqueline Timmer, and/or anyone communicating on behalf of the American Voter's Alliance (including, but not limited to, anyone communicating from an email address ending in @got-freedom.org)
11. Jenna Ellis (jenna.ellis.esq@gmail.com), and/or anyone communicating on behalf of Liberty University's Falkirk Center (including, but not limited to, anyone communicating from an email address ending in @falkirkcenter.com), the Thomas More Society (including, but not limited to, anyone communicating from @thomasmoresociety.org), or the American Greatness Fund (@americangreatnessfund.com)
12. Corey Lewandowski
13. Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (including, but not limited to, anyone communicating from an email address ending in @waketsi.com)
14. Ben Cotton, and/or anyone communicating on behalf of CyFir (including, but not limited to, anyone communicating from an email address ending in @cyfir.com)
15. Heather Honey, and/or anyone communicating on behalf of Haystack Investigations (including, but not limited to, anyone communicating from an email address ending in @haystackinvestigations.com)
16. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (including, but not limited to, anyone communicating from an email address ending in @cyberninjas.com)
17. Colonel Phil Waldron (including, but not limited to, phil@onewarrior.com, JWRLLC@gmail.com, or p@bonfiresearch.org), Russell Ramsland (including, but not limited to, ryuks9sq@alliedspecialops.us or yrku9sqs@protonmail.com), James Keet Lewis III (keet@jkeetlewis.com), and/or anyone communicating on behalf of Allied Security Operations Group (including, but not limited to, anyone communicating from an email address ending in @alliedspecialops.us or @bonfireresearch.org)
18. Jovan Hutton Pulitzer (including, but not limited to, jovanhuttonpulitzer@gmail.com)

19. Ken Bennett (kbennettaz7@gmail.com, kbazosos@gmail.com, kjbennettaz@gmail.com, arizonaaudit@gmail.com), Karen Fann, Sonny Borrelli, Mark Finchem, and/or anyone communicating on behalf of the Arizona state legislature (azleg.gov)
20. Patrick Byrne, Emily Newman (enewman@protonmail.com), and/or anyone communicating on behalf of the America Project (@americaproject.com)
21. Matthew DePerno, and/or anyone communicating on behalf of the DePerno Law Office (@deper nolaw.com)
22. Catherine Engelbrecht, and/or anyone communicating on behalf of True the Vote (@truethevote.org)
23. John Eastman (jeastman@claremont.org)
24. Lin Wood (including, but not limited to, from the email address lwood@fightback.law)
25. Shiva Ayyadurai (including, but not limited to, from the email address vashiva@vashiva.com)
26. Hogan Gidley, Ken Blackwell (kennethblackwell693@gmail.com), and/or anyone communicating on behalf of the America First Policy Institute (@americafirstpolicy.com)
27. Barry Farah (including, but not limited to, from the email address barry@barryfarah.com)
28. Douglas Frank (including, but not limited to, from the email address drdouglasgfrank@protonmail.com)
29. Former campaign manager Sherronna Bishop
30. Representative Lauren Boebert, and/or anyone communicating on her behalf
31. Ron Watkins
32. Neil Schuerer (including, but not limited to, from the email addresses neal@pathtoreform.org or nschuerer@outlook.com)
33. Dennis Haugh (dennis@dhaugh.com)
34. Ashe Epp, Holly Kasun, Shawn Smith (luftsas@gmail.com), and/or anyone communicating on behalf of Cause of America or the U.S. Integrity Plan
35. Conan Hayes
36. David Clements
37. Seth Keshel
38. Jeff O'Donnell
39. Jonathan Hotaling
40. Sherronna Bishop (contactamericasmom@gmail.com)
41. Katherine Friess (kfriess@protonmail.com)
42. Anyone communicating from an email address ending in @sixgen.io
43. Anyone communicating from an email address ending in @fireeye.com

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

## **Fee Waiver Request**

In accordance with C.R.S. § 24-72-205(4), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records will further a “public purpose”<sup>1</sup> because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

The public has a significant interest in communications county officials may have had with entities perpetuating the big lie. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent communications between county officials and big lie proponents are happening. American Oversight is committed to transparency and makes the responses agencies provide to open records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes. 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.<sup>2</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>3</sup> 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;<sup>4</sup> posting records and analysis of federal and state governments’ responses to the Coronavirus pandemic;<sup>5</sup> posting records received as part of American

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<sup>1</sup> C.R.S. § 24-72-205(4).

<sup>2</sup> American Oversight currently has approximately 15,730 page likes on Facebook and 117,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 25, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 25, 2022).

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

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

<sup>5</sup> See e.g. *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would*

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>6</sup> and 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.<sup>7</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **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

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*Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

<sup>6</sup> 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>.

<sup>7</sup> *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>.

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. 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 Hart Wood at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1743. 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/ Hart Wood*

Hart Wood  
on behalf of  
American Oversight