February 2, 2024

VIA EMAIL

State Medical Board of Ohio
30 East Broad Street
3rd Floor
Columbus, OH 43215
med-PublicRecordRequest@med.ohio.gov

Re: Public Records Act Request

Dear Public Records Officer(s):

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the State Medical Board of Ohio promptly produce the following records:

1. All Informal Opinions, Advisory Letters, Memoranda or written guidance created by or provided to the State Medical Board of Ohio regarding the implementation or enforcement of Section 22 of Article I of the Ohio State Constitution.[1]

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the State Medical Board of Ohio officials listed in Column A, below, containing any of the key terms listed in Column B, below.

Column A: State Medical Board of Ohio Officials	**Column B: Key Terms**
1. Jonathan Feibel, President 2. Yeshwant Reddy, Vice President 3. Harish Kakarala, Supervising Member 4. Kim Rothermel, Secretary 5. Betty Montgomery, Member 6. Mark Bechtel, Member 7. Michael Gonidakis, Member 8. Sherry Johnson, Member	1. abortion 2. "Issue 1" 3. "Issue One" 4. I1 5. reproductive 6. "constitutional amendment" 7. "section 22" 8. "waiting period" 9. viability

[1] *See* Ohio Const. art. I, § 22, https://codes.ohio.gov/ohio-constitution/section-1.22.

9. Amol Soin, Member 10. Elaine Lewis, Member 11. Jennifer Brumby, Member 12. John Boyle, Member 13. Stephanie Loucka, Executive Director 14. Kim Anderson, Chief Legal Counsel 15. Jill Reardon, Deputy Director of External Affairs 16. Tom Lininger, Chief Enforcement Attorney 17. Brandi Dorcy, Chief of Compliance 18. James O'Neal, Medical Director	

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 listed officials 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 a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

3. All official and unofficial dissent memoranda or complaints submitted to the relevant offices in your agency regarding any matters concerning the implementation or enforcement of Section 22 of Article I of the Ohio State Constitution.

   To be clear, American Oversight is not asking your agency to release the names of any individuals who have submitted responsive documents and does not object to withholding the name of any individual expressing dissent.

For all parts of this request, please provide all responsive records from November 7, 2023, through the date this request is received.

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.

- 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.[2] 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 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

[2] Ohio Rev. Code § 149.43(B)(1).

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.[3]

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 or (202) 873-1741.

Sincerely,

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

[3] 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).