



February 29, 2024

VIA EMAIL

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

Re: Public Records Act Request

Dear Director Rehbein:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 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. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Office of the Lieutenant Governor officials listed below, and (b) any of the external entities and individuals listed below (and anyone communicating on their behalf, including, but not limited to, at the listed email addresses and domains).

Office of the Lieutenant Governor Officials:

- a. Lieutenant Governor Mark Robinson
- b. Chief of Staff, General Counsel Brian LiVecchi
- c. Deputy Chief of Staff Krishana Polite
- d. Executive Assistant, Scheduler Patrick Riley
- e. Director of Government Affairs Nathan Lewis
- f. Policy Director Jonathan Harris

External Entities and Individuals:

- i. Britney Thompson Bouldin (britney4@gmail.com)
- ii. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
- iii. Education First Alliance (edfirstnc@gmail.com or edfirstnc.org)
- iv. Friends of Mark Robinson (friendsofmarkrobinson.com)
- v. James "Jim" Womack (james.k.womack@gmail.com, jameskwomack@gmail.com)
- vi. John Locke Foundation (johnlocke.org or lockehq.org)



- vii. Julie Page (page.julien@gmail.com)
- viii. Kelly Supek (ksoop2@gmail.com)
- ix. Lana Witt Fugh (lane.witt.fugh@gmail.com)
- x. Mark Robinson for Governor (markrobinsonfornc.com)
- xi. Moms for Liberty (momsforliberty.org,
momsforlibertynorthcarolina@gmail.com,
cmsmomsforliberty@gmail.com, moms4libertywakenc@gmail.com)
- xii. North Carolina Family Policy Council (ncfamily.org)
- xiii. North Carolina Values Coalition (ncvalues.org)
- xiv. Pat Blackburn (patblackburnatyourservice@gmail.com)
- xv. Sloan Rachmuth (sloanie32@yahoo.com)

For part 1 of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from the John Locke Foundation, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

For part 1 of this request, please provide all responsive records from October 13, 2023, through the date the search is conducted.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed above in part 1, and (b) any of the external entities or individuals listed below (and anyone communicating on their behalf, including, but not limited to, at the listed email addresses and domains).

External Entities and Individuals:

- i. Americans for Prosperity (americansforprosperity.org, afphq.org)
- ii. American Principles Project (americanprinciplesproject.org)
- iii. Election Integrity Network (electionintegrity.network,
whoscounting.us)
- iv. Flywheel Government Solutions (flywheelgs.com)
- v. Heather Whillier (heather@whillier.com)
- vi. NC Physicians for Freedom (ncphysiciansforfreedom.com)
- vii. Virginia Institute of Public Policy (virginia institute.org)
- viii. Yolanda Robinson (yolanrob@aol.com)

For part 2 of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip

email from Americans for Prosperity, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

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 1 and containing any of the key terms listed below.

Key Terms:

- a. “election integrity”
- b. “election fraud”
- c. “voting fraud”
- d. “voter fraud”
- e. “vote fraud”

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. However, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

For parts 2-3 of this request, please provide all responsive records from January 1, 2023, 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.

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:

- Our request for records includes any attachments to emails or other enclosed materials when they were previously transmitted. To the extent 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.¹

- 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.**

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

¹ 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.”).

website and promotes their availability on social media platforms, such as Facebook and Twitter.com.²

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

² 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 Feb. 27, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 27, 2024).