



March 8, 2024

VIA EMAIL

Ohio Department of Health
Attn: Tyler Herrmann, General Counsel
246 N. High Street
Columbus, OH 43215
tyler.herrmann@odh.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 your agency promptly produce the following records:

1. All records reflecting formal or informal guidance, directives, or recommendations (including memoranda and other written products) created by or provided to the Ohio Department of Health regarding the implementation or enforcement of any draft, proposed, or final rules regarding gender transition care, including, but not limited to, rules 3701-3-17, 3701-59-06, 3701-59-07, 3701-83-60, and 3701-83-61.
2. All dissent memoranda or complaints (such as formal memoranda, ethics complaints, or informal email communications) submitted to the relevant offices in the Ohio Department of Health regarding Ohio Executive Order 2024-01D or any draft, proposed, or final rules regarding gender transition care, including, but not limited to, rules 3701-3-17, 3701-59-06, 3701-59-07, 3701-83-60, and 3701-83-61.

For part 2 of this request, American Oversight requests all such documents received from employees, appointees, or contractors of the Ohio Department of Health. 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.

3. Records sufficient to identify all materials or information (including, but not limited to, medical literature, reports, analyses, recommendations, or guidance from internal or external entities) on which the Ohio Department of Health relied in creating any draft, proposed, or final rules regarding



gender transition care, including, but not limited to, rules 3701-3-17, 3701-59-06, 3701-59-07, 3701-83-60, and 3701-83-61.

4. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by the Ohio Department of Health officials listed below and containing any of the key terms listed below.

Ohio Department of Health Officials:

1. Bruce Vanderhoff, Director
2. Ashley Eversole, Director's Office Executive Assistant
3. Lance Himes, Assistant Director
4. Miranda Williams, Chief of Staff
5. Mary DiOrio, Medical Director
6. Tabitha Jones-McKnight, Assistant Medical Director
7. Tyler Herrmann, General Counsel
8. Erica Wilson, Chief Policy Officer
9. Sally Morgan, Ohio Public Health Advisory Board (OPHAB) Member
10. Diane Dietz, OPHAB Member
11. Robert Jennings, OPHAB Member
12. Teresa Long, OPHAB Member
13. Adam Howard, OPHAB Member
14. Garrett Guillozet, OPHAB Member
15. Joanna Pittenger, OPHAB Member
16. Jessica Wingert, OPHAB Member
17. Ryan Everett, OPHAB Member

Key Terms:

- a. "gender affirming"
- b. "gender-affirming"
- c. "gender-related"
- d. "gender related"
- e. "gender transition"
- f. "gender reassignment"
- g. Transgender
- h. "puberty blocker"
- i. dysphoria
- j. "HB 68"
- k. "House Bill 68"
- l. 2024-01D
- m. "SAFE Act"
- n. Hormone
- o. Hormonal

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails sent by the listed officials and containing any of the above key terms. 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.

5. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (A) the Ohio Department of Health officials listed in Part 4 above, and (B) any of the individuals listed below (including, but not limited to, at the specified complete email addresses).

External Individuals:

1. Amber Riddell, Assistant to the Chief Advisor
(amber.riddell@governor.ohio.gov)
2. Ann O'Donnell, Chief Advisor to the Governor
(ann.odonnell@governor.ohio.gov)
3. Scott Partika, Policy Director (scott.partika@governor.ohio.gov)
4. Stephanie McCloud, Chief of Staff
(stephanie.mccloud@governor.ohio.gov)
5. Terri Kozanecki, Executive Assistant to the Chief of Staff
(terri.kozanecki@governor.ohio.gov)
6. Matt Donahue, Chief Legal Counsel
(matthew.donahue@governor.ohio.gov)
7. Laurel Dawson, Counselor to the Governor
(laurel.dawson@governor.ohio.gov)
8. Amy Brenner, Executive Assistant to the Governor
(amy.brenner@governor.ohio.gov)
9. Sarah Ackman, Deputy Chief Legal Counsel
(sarah.ackman@governor.ohio.gov)
10. LeeAnne Cornyn, Director (leeanne.cornyn@mha.ohio.gov)
11. Jonathan Baker, Chief of Staff (jonathan.baker@mha.ohio.gov)
12. Justin Trevino, Medical Director (justin.trevino@mha.ohio.gov)
13. Lisa Merriman, Deputy Director and Chief Legal Counsel
(lisa.merriman@mha.ohio.gov or melissa.merriman@mha.ohio.gov)
14. Melissa Bacon, Deputy Director of Behavioral Health Policy
(melissa.bacon@mha.ohio.gov)
15. Lisa Musielewicz, Staff Counsel (lisa.musielewicz@mha.ohio.gov)
16. Lois Hochstetler, Assistant Director of Community Treatment Services
(Lois.Hochstetler@mha.ohio.gov)

For part four of this request, please note that American Oversight does not seek, and this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, if a specified official received a mass-distribution news clip email from a listed external entity, that initial email would not be responsive to this request. However, if the specified official forwarded that email to another listed individual or entity with their own commentary, that

subsequent message would be responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from December 13, 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.¹ 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

¹ Ohio Rev. Code § 149.43(B)(1).

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.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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
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 Mar. 5, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Mar. 5, 2024).