



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

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April 12, 2024

VIA ELECTRONIC MAIL

Anisha Hindocha
4307 Gaines Rd.
Richmond VA 23222
records@americanoversight.org

Re: Freedom of Information Act request – received March 12, 2024

Dear Anisha Hindocha:

The Office of the Attorney General for the Commonwealth of Virginia (“Office”) acknowledges receipt of the above-referenced correspondence in which you seek certain information contained in public records pursuant to the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700, *et seq.* (“FOIA”). Specifically, you state:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by officials from the Office of the Attorney General listed below containing the key terms listed below.

Office of the Attorney General Officials:

- I. Chief Deputy Attorney General Chuck Slemp
- II. Chief of Staff Darrell “D.J.” Jordan, Jr.
- III. Chief of External Affairs and Policy Klare Kilgore
- IV. Solicitor General Andrew Ferguson
- V. Anyone serving in the capacity of assistant, executive assistant, or scheduler to Attorney General Jason Miyares, or any of the custodians listed above

Key Terms:

- a. Leo
- b. Schwalb
- c. “Virginia nonprofit entities”
- d. Concord
- e. “Rule of Law Trust”

- f. RLT
- g. “85 Fund”
- h. “internal affairs doctrine”
- i. Wellspring
- j. “Freedom and Opportunity Fund”
- k. “Marble Freedom Trust”
- l. “CRC Advisors”
- m. “BH Group”
- n. “Niel Corkery”
- o. Arabella
- p. “Campaign for Accountability”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, I have limited part 1 of my request to emails sent by the listed officials. However, I still request that complete email chains be produced, displaying both sent and received messages. This means that both Chief of Staff Jordan’s response to an email containing a specified key term and the initial received message are responsive to this request and should be produced.

2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, handwritten and electronic notes taken during any oral communications, summaries of oral communications) between (a) officials from the Office of the Attorney General listed above in part 1 and (b) the external individuals and entities also listed below

(including, but not limited to, anyone communicating from an email address ending in the listed domains) and (c) containing any of the key terms listed above in part 1.

1. Tennessee Attorney General Jonathan Skrmetti and/or anyone communicating on behalf of the Office of the Tennessee Attorney General (ag.tn.gov)
2. Alabama Attorney General Steve Marshall and/or anyone communicating on behalf of the Office of the Alabama Attorney General (ago.alabama.gov)
3. Florida Attorney General Ashley Moody and/or anyone communicating on behalf of the Office of the Florida Attorney General (myfloridalegal.com)
4. Iowa Attorney General Brenna Bird and/or anyone communicating on behalf of the Office of the Iowa Attorney General (ag.iowa.gov)
5. Kansas Attorney General Kris Kobach and/or anyone communicating on behalf of the Office of the Kansas Attorney General (ag.ks.gov)
6. Former Louisiana Attorney General Jeff Landry, Former Louisiana Attorney General Liz Merrill, and/or anyone communicating on behalf of the Office of the Louisiana Attorney General (ag.louisiana.gov)
7. Mississippi Attorney General Lynn Fitch and/or anyone communicating on behalf of the Office of the Mississippi Attorney General (ago.state.ms.us)
8. Montana Attorney General Austin Knudsen and/or anyone communicating on behalf of the Office of the Montana Attorney General
9. Nebraska Attorney General Mike Hilgers and/or anyone communicating on behalf of the Office of the Nebraska Attorney General
10. Ohio Attorney General Dave Yost and/or anyone communicating on behalf of the Office of the Ohio Attorney General (ohioattorneygeneral.gov)
11. Utah Attorney General Sean Reyes and/or anyone communicating on behalf of the Office of the Utah Attorney General (agutah.gov)

12. West Virginia Attorney General Patrick Morrissey and/or anyone communicating on behalf of the Office of the West Virginia Attorney General (wvago.gov)

Please note that I do not seek, and part 2 of 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 Chief of Staff Jordan received a mass distribution news clip email from one of the specified Attorneys General offices, that initial email would not be responsive to this request. However, if Chief of Staff Jordan forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from August 15, 2023, through the date the search is conducted

Attached are records responsive to your request. Additional records were withheld pursuant to Virginia Code Section 2.2-3705.7(2). The subject matter of the withheld records is correspondence from Attorney General Miyares to Attorney General Schwalb, correspondence from Attorney General Skrmetti to Attorney General Miyares, and correspondence from Attorney General Schwalb to Attorney General Miyares.

Thank you for your communications regarding the scope of your request. After informing you that there were records responsive to your request which may be outside the records you were interested in, you informed me that you sought “communications or other documents sent by the listed individuals which in any way relate to DC AG Schwalb’s investigation into Leonard Leo, the 85 Fund, the Concord Fund, or any other Leo-related entity.” Records which were responsive to the terms of your request but were not related to what you sought were excluded.

This Office has waived the cost of your request. Please let me know if you would like the check mailed to you, or if we may void and destroy it.

Sincerely,



Tyler Barnes
Assistant General Counsel

From: [Smith, Chloe](#)
To: [Ferguson, Andrew N.](#)
Subject: Re: PRESS CLIPS 11.29.23
Date: Wednesday, November 29, 2023 12:15:11 PM

Absolutely. The page had difficulties downloading as a PDF, so see the text below. Let me know if you were referring to a different Virginian-Pilot article.

PORTSMOUTH — The top prosecutors for Virginia and Portsmouth met Monday to discuss violent crime in the city and how best to tackle it following recent rulings that resulted in major felony cases being thrown out by local judges.

The meeting between Attorney General Jason Miyares and Portsmouth Commonwealth's Attorney Stephanie Morales was held at Miyares' Virginia Beach office, and included other members of their staffs, according to a spokeswoman for Miyares.

The gathering came after the attorney general wrote to Morales in September to express concern with violent crime in Portsmouth, and the back-to-back [dismissals of two serious criminal cases](#). One involved a fatal shooting outside a strip club, and the other a [fire at an illegal day care](#) that left several children injured.

In both instances, the judges blamed mistakes made by prosecutors for their decisions. Morales disagreed with the rulings and has sought to have them reversed. In his Sept. 22 letter, Miyares offered to provide resources to Morales' office to help prosecute violent crime in the city, including the use of cross designated special assistant United States attorneys who focus on prosecuting violent repeat offenders and seeking maximum punishments for them.

"When there are no consequences for committing violent crimes, public safety deteriorates, criminals are emboldened, and innocent victims are revictimized," Miyares wrote. "It is important that we work to restore accountability and trust in the local justice system."

Miyares and Morales described Monday's meeting as "productive" in statements released by their offices afterward.

"I have visited Portsmouth several times and heard residents' concerns about crime in their community," Miyares wrote in his statement. "With communities like Portsmouth in mind, I launched Operation Ceasefire, a proven initiative to reduce gun violence through prosecution and prevention, especially targeting repeat offenders. We have also shared information on Virginia's new witness protection efforts to protect our witnesses before testifying. Collaboration and open communication between local city officials and Commonwealth's Attorneys is critical to that effort, and I appreciate today's meeting with Mrs. Morales."

In her statement, Morales thanked Miyares for his cooperation and assistance.

“When leaders and community stakeholders commit to working together in service of our communities, we are at our very best,” Morales wrote. “Today, my meeting with Attorney General Miyares and our teams was highly productive and will greatly expand efforts to make our Portsmouth community safer. We look forward to continued collaboration in service of our Portsmouth community and the Commonwealth of Virginia.”

From: Ferguson, Andrew N. <AFerguson@oag.state.va.us>

Sent: Wednesday, November 29, 2023 11:15 AM

To: Smith, Chloe <CHSmith@oag.state.va.us>

Subject: RE: PRESS CLIPS 11.29.23

Hi, Chloe. Can you send me a copy of the Virginian-Pilot article? Thank you!

Andrew

From: Smith, Chloe <CHSmith@oag.state.va.us>

Sent: Wednesday, November 29, 2023 7:35 AM

Subject: PRESS CLIPS 11.29.23

**Attorney General Jason S. Miyares
Press Clips: Wednesday, November 29th, 2023**

Upcoming Media Appearances:

One Pill Can Kill Fentanyl Awareness & Training

Wednesday, November 29 (2:00pm)

New Life Church

Richmond, VA

WSVA Radio

Thursday, November 30 (7:35am)

WCHV Radio

Thursday, November 30 (8:05am)

WLNI Radio

Thursday, November 30 (8:35am)

Protecting Kids Online Townhall

Cornerstone Chapel

Leesburg, Virginia

Thursday, November 30 (7:00pm)

Print Attorney General Mentions:

STATE

Virginian-Pilot: [Meeting between attorney general and Portsmouth's top prosecutor discussing violent crime 'productive'](#)

In his Sept. 22 letter, Miyares offered to provide resources to Morales' office to help prosecute violent crime in the city, including the use of cross designated special assistant United States attorneys who focus on prosecuting violent repeat offenders and seeking maximum punishments for them. "When there are no consequences for committing violent crimes, public safety deteriorates, criminals are emboldened, and innocent victims are revictimized," Miyares wrote. "It is important that we work to restore accountability and trust in the local justice system."

WRIC: [New Kent not enforcing skill games ban until at least January](#)

"This policy will certainly be reviewed after the first of the year by Sheriff Elect Bailey, his staff, and Commonwealth Attorney Renick's Office," said the release. "This review will include any decisions made by the courts and the possible legislative actions considered by the General Assembly." ... The office of Virginia Attorney General Jason Miyares said local prosecutors are free to enforce the ban, but suggested a month-long delay in order to give businesses time to decide what to do with the machines.

Virginian-Pilot: [Virginia business owners are unplugging skill games as enforcement on ban begins](#)

Without further action, the ban is free to be enforced. Victoria LaCivita, spokesperson for Attorney General Jason Miyares, said last month the attorney general was "very pleased" the injunction was overturned. "The Commonwealth of Virginia has regulated gambling for centuries, and the skill games law is an ordinary exercise of the General Assembly's authority to protect the public from dangerous gambling devices," she wrote in an email.

The Epoch News: [Indicted Virginia election official 'altered election results': Filing](#)

Virginia Attorney General Jason Miyares's office did not deny finding that Ms. White altered election results. "We do not comment on pending litigation," Victoria LaCivita, a spokesperson for Mr. Miyares, a Republican, told The Epoch Times via email.

Bacon's Rebellion: ["Who exactly is the University of Virginia protecting?"](#)

Attorney General Jason Miyares, who outsourced the inquiry to the Quinn Immanuel law firm, sent the final report to UVa on Oct. 20.

NATIONAL

PJ Media: [The NCAA invites the teams it shut out of postseason play to go bowling](#)

Virginia Attorney General Jason Miyares even threatened legal action against the

NCAA, saying, "This injustice transcends athletics and should not be allowed to stand." In the end, neither JMU nor JSU decided to fight the decision.

Daily Mail: [‘Squad’ firebrand Rashida Tlaib’s astonishing links to shady Hamas group held liable for death of an American Jew](#)

[American Muslims for Palestine], for its part, recently moved its headquarters from Palos Hills, Illinois to Falls Church, Virginia, where it has attracted the attention of Virginia Attorney General Jason Miyares. Miyares is currently investigating allegations that AMP, 'may have used funds raised for impermissible purposes under state law, including benefitting or providing support to terrorist organizations.'

TV/Radio:

MENTIONS

WTVR (CBS) – Richmond, VA – CBS6 This Morning

6:05:26am: "Later today, Virginia’s Attorney General Jason Miyares is hosting an event here in Richmond raising awareness on the dangers of fentanyl. The One Pill Can Kill REVIVE! session will also be providing training on how to apply naran. That’s a potentially life saving treatment for fentanyl overdoses. That training is free to anyone interested."

WTTG (FOX) – Washington, DC – Fox 5 Morning News @ 6

6:24:51am: "Happening today in Virginia, Attorney General Jason Miyares will host a fentanyl awareness and naran training session. The One Pill Can Kill initiative is meant to foster open, honest conversations about the threat of opioids. This will take place in Richmond this afternoon."

WTVR (CBS) – Richmond, VA – CBS6 This Morning

6:44:23am: "Hundreds of pieces of safety gear donated by sheriff’s departments and other law enforcement agencies across Virginia are now being distributed in Israel, and you’re seeing pictures of that gear sent into our newsroom. The protective equipment was collected as part of Virginia Attorney General Jason Miyares’ initiative to provide gear for Israeli first responders and civilians."

WNIS 790 AM – Norfolk, VA

8:10:47am: "Virginia Attorney General Jason Miyares and Portsmouth Commonwealth’s Attorney Stephanie Morales met Monday for what the two are calling a productive collaboration about combating the city’s violence. The two prosecutors were slated to discuss ways they could work together to secure convictions and keep criminals off the street. Morales requested the meeting after Miyares offered his office’s help in launching the program Operation Ceasefire which is aimed at reducing gun violence through prosecution and prevention. In addition to the initiative, Miyares said he and his team recommended other resources and continued cooperation with Portsmouth."

Relevant News:

POLITICAL

Politico: [Leonard Leo firm received \\$21M from Leo-linked group](#)

That group, The 85 Fund, is part of an umbrella of nonprofits under investigation by the Washington, D.C. attorney general for potentially violating tax laws...The revelation comes as D.C. Attorney General Brian Schwalb is looking into the finances and expenditures associated with The 85 Fund and as Leo faces enhanced congressional scrutiny for his role in bolstering conservative legal movement, including advising President Donald Trump on judicial nominations.

Virginia Mercury: [Democratic control of legislature opens up chance for long-delayed SCC appointments](#)

After securing control of both chambers of the Virginia General Assembly in the November elections, Democrats will have a new opportunity during the 2024 session to fill two long-time vacancies on the State Corporation Commission, the state body that regulates utilities, insurance, banking and business in Virginia. Incoming Senate Commerce and Labor Committee Chair Creigh Deeds, D-Charlottesville, told the Mercury Monday that the goal is to have the vacancies filled “as quickly as possible.”

WTKR: [Bill to ban sale of assault weapons resurfaces in Virginia](#)

Once again, Virginia lawmakers are debating whether to ban the future sale of assault weapons. Democrats announced the first bills they’re filing now that they’re in the majority of the General Assembly. One of the first bills would ban the sale of assault weapons, including AR-15’s, starting on July 1.

Richmond Times-Dispatch: [Israel-Palestine panel series at Va. Tech is subject of controversy](#)

A series of panels on the Israel-Palestine conflict scheduled to kick off Wednesday at Virginia Tech in Blacksburg has ignited controversy on campus after a Jewish student organization said the events could contribute to rising anti-Semitism. A university spokesperson and some of the panelists refute the claims and said the series is an important example of speech rights at work in Virginia. The series, which will take place in the Carol M. Newman Library and will appear online, includes one panel each on Wednesday, Friday and Monday, according to the event site.

Virginian-Pilot: [Norfolk City Council denies collective bargaining request from Police Benevolent Association](#)

The Norfolk City Council voted Tuesday night to deny collective bargaining for its employees. Council members Courtney Doyle, Mamie Johnson, Danica Royster, Martin Thomas and Mayor Kenny Alexander voted to adopt the measure declining collective bargaining. Council members Andria McClellan, J.P. Paige and Tommy Smigiel voted against the ordinance. The ordinance included that City Council decline collective bargaining “at this time” and also included the creation of at least four “employee committees,” which will meet with the city manager.

WSET: [Lynchburg City Council formally censures Councilman Martin Misjuns for behavior to city staff, council, residents](#)

Lynchburg City Council voted to formally censure Councilman Martin Misjuns over his behavior towards other council members, city staff, and Lynchburg residents. During

Tuesday night's council meeting, Mayor Stephanie Reed presented a motion to amend the agenda to include a vote censure Councilman Misjuns. Her motion was seconded by Councilman Larry Taylor.

CRIME/LEGAL

NBC29: [Augusta County Sheriff's Office Deputy arrested](#)

Following a crash, the suspect in the pursuit started running away, and the deputy in pursuit continued to chase the suspect on foot. Once the deputy caught up with the suspect, a brief physical altercation occurred while the Deputy took the suspect into custody...Virginia State Police then conducted an independent investigation into the incident. On Wednesday, November 22, police obtained arrest warrants for Sgt. William Mikolay. Sgt. Mikolay was arrested on charges of felony malicious wounding, and misdemeanor assault and battery...Mikolay is currently on paid administrative leave while this matter is pending trial.

Virginian-Pilot: [Virginia Beach parents return to court for lawsuit involving Old Donation's selection process](#)

Many of the parents who argued that their children were "arbitrarily denied" a spot at the Virginia Beach gifted school return to court Thursday to demand the division redo the selection process. The parents argue that changes to the Old Donation School selection process resulted in a lottery system that violated the division's rules and excluded their "profoundly gifted children." The latest complaint is similar to one that was filed earlier this year and dismissed by a judge...



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