



June 3, 2024

VIA EMAIL

Department of State Treasurer
3200 Atlantic Avenue
Raleigh, NC 27604
publicrecords@nctreasurer.com

Re: Public Records Act Request

Dear Public Records Custodian:

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 your office produce the following records as promptly as possible:

All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar invitation attachments), text messages (including complete text message threads or conversations), and messages on messaging platforms (such as Slack, GChat, Google Hangouts, Lync, Skype, or WhatsApp) between (a) State Treasurer Dale Folwell, including anyone communicating on his behalf, such as an assistant or secretary, and (b) any of the external entities or individuals listed below (or anyone communicating on their behalf, including, but not limited to, at the listed email addresses and/or domains).

External Entities or Individuals:

- a. Seth Keshel (skeshel@protonmail.com, bookings@captk.com, skeshel@gmail.com)
- b. Jeff O'Donnell (theloneraccoon@protonmail.com, mamaraccoon@protonmail.com, jeff@ordros.com)

Please provide all responsive records from June 1, 2022, through the date the search is conducted.

The cited materials indicate the requested records exist,¹ so we emphasize the anti-spoliation notice and retention obligations below.

¹ An email sent by NC Audit Force referencing communications with Seth Keshel and Jeff O'Donnell is included as Exhibit A to aid in your search.



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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Act.²
- 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.**

² 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.”).

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 website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).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 Elizabeth Haddix at records@americanoversight.org or 252.359.7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix
Elizabeth Haddix
on behalf of
American Oversight

³ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 28, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited May 28, 2024).

EXHIBIT A

From: We the People <info@wtpevents.org>
Sent: Tuesday, January 30, 2024 12:26 PM EST
To: rcboe@co.rockingham.nc.us <rcboe@co.rockingham.nc.us>
Subject: Governor Debates Cancelled?

Can't see this message? [View in a browser](#)

Governor Debates Cancelled

Why?

Scroll to 40:00 - [video of the LiveStream](#) on 1/28/22 with Gov candidate Dale Folwell, CPA, the current State Treasurer

"In terms of the debate, the WRAL debate was cancelled last week, the Spectrum News debate is being cancelled, the PBS debate - they didn't even try because the presumptive front runner in this race refuses to show up to work, and refuses to show up for a job interview. And that's why it's time that people get serious about whether they're tired of losing..."

The Mecklenburg Co Republican Women had a debate in the fall of last year. Mark Robinson walked in with 62% approval and I had 14%. They made people vote before they walked in, and after they walked out.

He walked out with 13%, and I walked out with 42% and led the field.

I'm hearing that they did a straw poll at the Liberty Conference over the weekend in Raleigh - the John Locke Foundation and Carolina Journal - and I led that poll by possibly 10 points.

People are tired of counterfeit conservatives...

In terms of the debate... anytime, anyplace, anywhere.

Oh, let me just say this, Ken. This has gotten so bad, that on February 5th there will be a [debate in Charlotte, NC](#). Guess who it's hosted by. The Libertarian Party. Because former Supreme Court Justice Morgan, and myself, and the Libertarian candidate, are the only three who will show up for a job interview. Isn't that sad?"

Those who know anything at all about Michael Whatley and the NCGOP are not the least bit surprised by this. They have selected their favorite candidates in the Primary elections. They give every advantage to their favorites. They pretend they don't. Then they send emails asking for donations. There's no difference between Ronna's RNC and Michael's NCGOP.

Which Candidate is Concerned about Election Fraud?

Timeframe: Summer 2022

Here's what went down.

by Carol Snow, NC Audit Force

Dale Folwell

I received a call from Dale Folwell asking me to meet with him. Dale told me back then he had been receiving the WTP emails and wanted to know what group put these out, because they're well-sourced and they're eye-opening. So, he asked Jim Womack (NCEIT) about the WTP emails, and Jim gave him my number.

Dale and his wife were driving back from Asheville to Winston Salem (or to Raleigh, don't remember which), which made for meeting at a restaurant along I-40 convenient for both of us. I told him - I know you're running for Governor but I'm on Team Robinson. He said he didn't care, that was fine. He just wanted to talk about Election Fraud in NC.

Topic of discussion: Dale wanted to know - so what's the real truth about elections conducted in NC? Jim Womack says this, Jay Delancy says that, Dave Goetze says that, the General Assembly thinks this... so what's the truth? Who are the players? How did you get involved in this research? Where do you get all the data and information about NC elections?

So, I answered all those questions, gave him by 3 cents worth, and asked him to make two phone calls. Call Seth Keshel, call Jeff O'Donnell. Ask THEM to explain their findings from their research. Gave him their phone numbers.

I know Dale called and talked to at least one of them because I got a report back from Seth and Jeff.

Mark Robinson

That same summer a then-supporter of Mark Robinson's implored him to call me. That then-supporter of Mark Robinson was Aryn Schloemer, Guilford Patriots.

(I just talked to Aryn: Is it ok if I name you? *yes.* You no longer support Mark Robinson, correct? *correct.* I want nothing to do with him. You're supporting Dale Folwell? *yes.* It's ok if we tell people that? *Absolutely.*)

Anyway, Aryn set up the call and Mark did call me. He came across as being irritated, but it may have had nothing to do with having to call me. This conversation was much different from the one I had with Dale, not just in terms of the tone of the person calling, but in terms of who was seeking to find answers. This conversation was more about me force feeding information to get Mark Robinson to understand why we have a problem in NC.

This call was before the 2020 ballots and authorization to vote forms had been destroyed. I explained that as the President of the Senate, he has the authority to sign a subpoena coming from a legislative committee to subpoena all records from any county board of elections. Pick a county. Any county. The legislative committee (majority Republican) could issue the subpoena and a 3rd party could audit the ballots, the authorization to vote forms, the absentee by mail ballot envelopes. They have a chance to prove the reported results are accurate.

He said he'd have his attorney look into it. I texted him the [state law](#) so he'd have it. He didn't ever follow up.

I also told him the County Commissioners keep paying the license, maintenance and firmware fees every year for the electronic voting systems. As the purchasing county ([§ 163-165.7\(f\)\(9\)](#)) they have the authority to hire 3 experts to examine the electronic voting systems' [software, object libraries](#), etc. Suggested he could go to the Commissioners' meetings and implore them to take advantage of that.

He said he didn't have time to go to Commissioners' meetings.

I also asked Mark to call Seth Keshel and Jeff O'Donnell to learn their findings - listen to what they have to say. Gave him their phone numbers. Seth and Jeff never received a call from Mark Robinson.

So Aryn had dinner with Mark. implored Mark to make those calls. Mark never called.

Contrast

That's quite a contrast isn't it?

One candidate is seeking answers. The other is avoiding them.

Needless to say, I'm no longer on Team Robinson. Left that train in the summer of 2022.

Who will stand up to Team Berger?

"I opposed the North Carolina General Assembly exempting themselves from the public record law."

~Dale Folwell's [Campaign site](#)

If you support Mark Robinson, ask him if he will **publicly** state his position on:

- The General Assembly's lack of transparency.
- *Constitutional Carry.
- Berger's Casino deals.
- Hand-counting hand-marked paper ballots, the fact that absentee by mail ballots have no restrictions whatsoever, and same day registration.
- If he believes it's appropriate for [incumbent - Team Berger - legislator Kevin Crutchfield \(R\)](#) to disparage his Primary opponent for declaring bankruptcy, not paying his taxes, and not paying his bills. Mark Robinson should know something about those past mistakes.

***Constitutional Carry**

Here's another account you might find interesting.

A Robinson supporter approached Dale Folwell at a recent event and asked him for his position on Constitutional Carry.

Folwell said - stay right here, I'll be right back.

Robinson supporter - yeah, that's what I thought. Won't even answer the question.

Folwell returns with pen and paper, wrote on that paper that he WOULD sign a Constitutional Carry bill that crossed his desk, signed his name to it, and handed it to the Robinson supporter.

Robinson supporter called Folwell two days later to tell him he's no longer on the Robinson Train. He's now supporting Folwell.

Team Berger

Those who are establishment, Old Guard Republicans
love Mark Robinson.

Those who are grassroots conservatives who want a
man of Action
with a proven track record,
not just a man of Words,
love Dale Folwell.

We should use discernment.

Coming Soon...