



June 26, 2024

**VIA U.S. MAIL**

JoDee Hanson, Chief Administrative Officer  
North Dakota Office of the Governor  
600 East Boulevard Avenue  
Bismarck, ND 58505

**Re: Open Records Law Request**

Dear Record Custodian:

Pursuant to the North Dakota Open Records Law, N.D.C.C. §§ 44-04-18 et seq., and Section 6 of Article XI of the North Dakota Constitution, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the North Dakota Office of the Governor promptly produce the following records:

1. All calendars or calendar entries for Governor Doug Burgum, including any calendars maintained on Governor Burgum's behalf, **from May 7, 2024, through May 21, 2024.**

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments.

Please do not limit your search to electronic calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Governor Burgum allocates time on agency business.

This search should include any calendars associated with Governor Burgum's individual email accounts, as well as any official calendars maintained for him, including by administrative assistants or schedulers.

2. Records reflecting any expenses and costs incurred or paid by the North Dakota Office of the Governor related to the May 2024 trip to New York City made by Governor Burgum and any accompanying staff members, family members, or other individuals.<sup>1</sup>

---

<sup>1</sup> See, e.g., Ashley Murray & Michael Achterling, *Gov. Doug Burgum Attends Trump Trial, Calls It 'Election Interference,'* North Dakota Monitor (May 14, 2024, 10:38 AM), <https://northdakotamonitor.com/briefs/gov-doug-burgum-at-trump-trial-in-new-york/>.



To the extent that your office maintains aggregated records sufficient to show all relevant expenses and costs, such as spreadsheets, American Oversight would accept production of such records as sufficient. To the extent that your office does not have an aggregated record of these costs, American Oversight requests records reflecting such costs, such as receipts, invoices, charge card or credit card statements, or reimbursement requests.

Relevant expenses may include, but are not limited to, hotel or other lodging costs; costs for air travel, rental car, or other transportation; costs incurred for government transportation; the cost of meals or refreshments; costs incurred for government-provided security; and per diem payments.

If there are no records of expenses paid by the North Dakota Governor's Office related to the May 2024 trip to New York City made by Governor Burgum and any accompanying staff members, family members, or other individuals, American Oversight would accept as responsive to part two of this request records sufficient to identify the origin of the funds used to pay for Governor Burgum's trip and the amount expended for the trip, including all communications between the North Dakota Office of the Governor and the funding entity(s) and/or individual(s) coordinating the trip.

**For part two of this request, please provide all responsive records from May 1, 2024, through June 1, 2024.**

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.
- In conducting your search, please understand the term "record," in its broadest sense, to include all recorded information, regardless of physical form, related to any governmental functions, public business, or public funds.<sup>2</sup> We seek records

---

<sup>2</sup> N.D.C.C. § 44-04-17.1(16).

of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- 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 Open Records Law.<sup>3</sup>
- 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.<sup>4</sup> If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release. Furthermore, if a request is denied in whole or in part, please describe the legal authority for the denial or, if applicable, provide a statement that the records do not exist.<sup>5</sup>
- 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.

---

<sup>3</sup> See N.D.A.G. 2014-O-20 (records contained on public employee's personal device); N.D.A.G. 2014-O-10 (private email account used to generate or receive emails containing "public business"); N.D.A.G. 2008-O-15 (emails on home computers).

<sup>4</sup> N.D.C.C. § 44-04-18.10 (1), (2).

<sup>5</sup> N.D.C.C. § 44-04-18(7).

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).<sup>6</sup>

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 Loree Stark at [records@americanoversight.org](mailto:records@americanoversight.org) or (304) 913-6114.

Sincerely,

*/s/ Loree Stark*  
Loree Stark  
on behalf of  
American Oversight

---

<sup>6</sup> 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 June 6, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 6, 2024).