



July 15, 2024

VIA ONLINE FORM

Oklahoma State Department of Education
Oliver Hodge Bldg.
2500 N. Lincoln Blvd.
Oklahoma City, OK 73105
Via Online Form

Re: Open Records Act Request

Dear Records Access Officer:

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Oklahoma State Department of Education produce the following records within five business days:

1. All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) between (a) any of the Oklahoma State Department of Education officials listed below—or anyone communicating on their behalf, such as an assistant or scheduler—and (b) anyone communicating on behalf of an external entity listed below, including, but not limited to, anyone communicating from an email address ending in a listed domain.

Oklahoma State Department of Education Officials:

- a. State Superintendent of Public Instruction Ryan Walters
- b. Chief Policy Advisor Matt Langston
- c. Director of Communications Dan Isett
- d. Former Director of Accountability Dave Martin
- e. Former General Counsel Bryan Cleveland, and/or anyone serving in the role of General Counsel in a permanent and/or interim capacity, including anyone completing the duties typically fulfilled by the General Counsel
- f. Anyone serving in the capacity of Chief of Staff and/or Deputy Chief of Staff in the Office of the State Superintendent

External Entities and Individuals:

- a. Precision Outreach (precisionoutreach.com)
- b. Russell “Russ” Vought, and/or anyone communicating on behalf of the Center for Renewing America (americarenewing.com)
- c. Vought Strategies (voughtstrategies.com)



Please note that American Oversight does not seek, and that part one 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 Superintendent Walters received a mass-distribution news clip email from Vought Strategies, that initial email would not be responsive to this request. However, if Superintendent Walters forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

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

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the Oklahoma State Department of Education officials listed above in part one of this request—or anyone communicating on their behalf, such as an assistant or scheduler—and containing any of the following key terms, listed below.

Key Terms:

- a. Vought
- b. Russ
- c. “Precision Outreach”
- d. McBride
- e. “self-promotion”
- f. “self promotion”
- g. “Executive Order”
- h. “EO 2024-12”
- i. “EO 12”
- j. “political ambition”

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 two this request to emails sent by the custodians noted above 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 that both a listed official’s response to an email and the initial received message are responsive to this request and should be produced.

For part two of this request, please provide all responsive records from March 1, 2024, through the date the search is conducted.

Fee Waiver Request

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records.

Release of the requested records “is in the public interest,” because American Oversight, in accordance with its organizational mission, makes this request “to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.”¹ Specifically, the requested records have the potential to shed light on the State Department of Education’s connections to a communications firm.² Records with the potential to shed light on this matter would contribute significantly to public understanding of how public servants are fulfilling their duties, including whether and to what extent State Department of Education officials were communicating with and about entities relevant to Vought Strategies.

American Oversight’s work is aimed solely at serving the public interest.³ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. Rather, American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to members of the news media, 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).⁴ American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁵

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public’s

¹ O.S. tit. 51, § 24A.5(4).

² Jennifer Palmer, *Ryan Walters’ Outside PR Contract Should Be Banned, GOP Lawmaker Says*, *The Oklahoman* (May 24, 2024, 11:43 AM), <https://www.oklahoman.com/story/news/2024/05/24/ryan-walters-oklahoma-state-department-education-pr-contract-vought-strategies-mark-mcbride/73837972007/>.

³ See O.S. tit. 51, § 24A.5(4).

⁴ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 15, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited July 15, 2024).

⁵ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia’s Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

understanding of the government’s activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight’s analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

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.⁶ 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.

⁶ O.S. tit. 51, § 24A.5(2).

Conclusion

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 to discuss this request. 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.

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 Danny Martinez at records@americanoversight.org or (202) 897-2465.

Sincerely,

/s/ Danny Martinez
Danny Martinez
on behalf of
American Oversight