



July 16, 2024

VIA EMAIL

Kimberly Philbin
Open Records Officer
Wyoming Valley Sanitary Authority
P.O. Box 33A
Wilkes-Barre, PA 18703
kim.philbin@wvsa.net

Re: Right-to-Know Law Request

Dear Open Records Officer:

Pursuant to the Right-to-Know Law (RTKL), as codified at 65 P.S. §§ 67.101 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Wyoming Valley Sanitary Authority produce the following records within five business days:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) CEO Andrew Reilly, and (b) any of the external entities and individuals listed below (including, but not limited to, at the listed email addresses and/or domains).

External Entities and Individuals:

- a. America First Policy Institute (americafirstpolicy.com)
- b. Anthony "Butch" Golembiewski
- c. Audit the Vote PA (auditthevotepa.com)
- d. Carol Gardecki (gardeckic@hotmail.com)
- e. Catherine Engelbrecht (catherine@truethevote.org), Maureen Riordan, Courtney Kramer, Ellen Swensen, Erin Anderson, and/or anyone communicating on behalf of True the Vote (truethevote.org)
- f. Charlene Haislip (metropittsburghrealestate@gmail.com)
- g. Cleta Mitchell (cleta@cletamitchell.com)
- h. Conservative Partnership Institute (cpi.org, conservativepartnership.org)
- i. Dave Giordano
- j. David Burnett (dburnett@pasen.gov)
- k. Election Integrity Network (electionintegrity.network, whoscounting.us)
- l. Election Research Institute (election-institute.com)
- m. Ellen Laybourne (elblay8@yahoo.com)
- n. Envoy Sage (envoysage.com)



- o. Gina Swoboda (ginaswoboda@hotmail.com, ginaswo@asu.edu, gs@voterreferencefoundation.com, gswoboda@azleg.gov) and/or anyone else communicating on behalf of Voter Reference Foundation (voterreferencefoundation.com, voterref.com)
- p. Haystack Investigations (haystackinvestigations.com)
- q. Heather Honey (heather@verityvote.us, hhoney@haystackinvestigations.com, h2osint@protonmail.com), and/or anyone communicating on behalf of Verity Vote (verityvote.us)
- r. Heritage Foundation (heritage.org, heritageaction.com)
- s. Ian Camacho (ian.c.camacho@gmail.com) and/or anyone else communicating on behalf of Look Ahead America (lookaheadamerica.org)
- t. Jay Valentine (jay@contingencysales.com), and anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, jayvalentine.com, electionwatch.info, fractalweb.app)
- u. Jeffrey Stroehmann
- v. Judicial Watch (judicialwatch.org)
- w. Karen DiSalvo (kd@election-institute.com, kstapp@pct.edu)
- x. Karen Taylor
- y. Linda Kerns (linda@lindakernslaw.com)
- z. Mohrman, Kaardal & Erickson, P.A. (mklaw.com)
- aa. New York Citizens Audit (auditny.com)
- bb. PA Fair Elections (pafairelections.com)
- cc. Patriots 4 Action (patriots4action.com)
- dd. Patriots of PA (patriotsofpa@gmail.com)
- ee. Pennsylvania Integrity Network (paintegrity.org)
- ff. Pennsylvania Patriot Coalition
- gg. Public Interest Legal Foundation (publicinterestlegal.org, electionlawcenter.com)
- hh. Restoration of America (restorationofamerica.com, restorationpac.com)
- ii. Rick Richards (drr@cathaid.com, drr@EagleAI.pro, drronline@me.com), John Richards (johnrichards@eagleai.pro), and/or anyone else communicating on behalf of EagleAI (eagleai.pro)
- jj. State Senator Cris Dush (cdush@pasen.gov)
- kk. State Senator Doug Mastriano (dmastriano@pasen.gov)
- ll. The America Project (americaproject.com)
- mm. The Republican National Committee (gop.com)
- nn. The Republican Party of Pennsylvania (pagop.org)
- oo. Toni Shuppe
- pp. Totes Legit Votes (toteslegitvotes@gmail.com)
- qq. UnAuthorized (authorized.us)
- rr. United Sovereign Americans (unite4freedom.com, usa4freedom.com)
- ss. Virginia Institute of Public Policy (virginiainstitut.org)

tt. Voter Reference Foundation (voteref.com, voterreferencefoundation.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 responding to or forwarding such emails are responsive to this request. For example, if Andrew Reilly received a mass-distribution news clip email from an email address ending in @truethevote.org, that initial email would not be responsive to this request. However, if Mr. Reilly forwarded that email to another listed individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by CEO Andrew Reilly and containing any of the following key terms, listed below.

Key Terms:

- a. election
- b. Trump
- c. Republican
- d. Democrat
- e. “voter fraud”
- f. “voter roll”
- g. “hand count”
- h. “list maintenance”
- i. “forensic audit”
- j. Elector
- k. “absentee ballot”
- l. “vote by mail”
- m. “vote-by-mail”
- n. “mail ballot”
- o. “absentee voting”

In an effort to accommodate your office and reduce the number of potentially responsive records to be produced, American Oversight has limited part two of this request to emails sent by Mr. Reilly. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that if Mr. Reilly sent an email responding to an incoming message, both his response and the initial message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from January 1, 2024, through the date the search is conducted.

If American Oversight’s request for a fee waiver is not granted in full, please contact us immediately upon making such a determination. **Please notify us of**

any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Fee Waiver Request

In accordance with 65 P.S. § 67.1307(f)(2), American Oversight requests a waiver of fees associated with processing this request for records, because disclosure of the requested information is “in the public interest.”

The public has a significant interest in the communications of CEO Andrew Reilly regarding election administration.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent CEO Andrew Reilly is communicating on his official government accounts regarding election administration.

American Oversight is committed to transparency and makes the responses agencies provide to open records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records. 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. 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).²

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.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization’s investigations into misconduct and corruption in state governments;⁴ posting records and analysis of federal and state governments’

¹ See, e.g., Meir Rinde, *Pennsylvania’s ‘Fake Electors’ Are Unlikely to Face Consequences. Here’s What They’re Up to*, WHYY, Aug. 9, 2023, <https://billypenn.com/2023/08/09/fake-electors-trump-pennsylvania-influence-republican-politics/>.

² 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 11, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited July 11, 2024).

³ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, 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

responses to the Coronavirus pandemic;⁵ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.⁷

Finally, this request is primarily and fundamentally for non-commercial purposes. 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.

Accordingly, American Oversight qualifies for a fee waiver.

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.

Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁵ See, e.g., *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *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>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁶ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁷ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

- 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 Right-to-Know Law.⁸
- 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 under 65 P.S. § 67.706. 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.

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

⁸ See, e.g., *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).

understand any part of this request, please contact Loree Stark at records@americanoversight.org or (304) 913-6114. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

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