



January 23, 2025

VIA EMAIL

John Andrews
Open Records Officer
313 City-County Building
414 Grant Street
Pittsburgh, PA 15219
openrecords@pittsburghpa.gov

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 City of Pittsburgh produce the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) between (a) any of the officials listed below — or anyone communicating on their behalf, such as a secretary, assistant, or scheduler — and (b) the external individuals and entities listed below (or anyone communicating on their behalf, including, but not limited to, anyone communicating from an email address ending in the listed domains).

City of Pittsburgh Officials:

- a. Mayor Ed Gainey
- b. Jake Wheatley, Chief of Staff
- c. Felicity Williams, Deputy Chief of Staff
- d. Lisa Frank, Chief Operating and Administrative Officer
- e. Jake Pawlak, Deputy Mayor & Director of the Office of Management and Budget

External Entities/Individuals:

- i. Alliance Defending Freedom (adflegal.org)
- ii. America First Legal (afl.org)
- iii. America First Policy Institute (americafirstpolicy.com), including Brooke Rollins
- iv. American Potential Fund (americanpotentialfund.com)
- v. Americans for Prosperity (americansforprosperity.org)
- vi. Anyone communicating from an email address ending in pitt.gov



- vii. Competitive Enterprise Institute (cei.org), including Daren Bakst
- viii. Heritage Foundation (heritage.org, heritageaction.com)
- ix. Linda McMahon, Howard Lutnick, Eric Trump, and/or anyone communicating on their behalf and/or anyone communicating on behalf of Trump Vance 2025 Transition Inc (trumpvancetransition.com)
- x. North Dakota Governor Doug Burgum, and/or anyone communicating from an email address ending in nd.gov and/or dougburgum.com
- xi. Elon Musk, or anyone communicating on his behalf, such as an assistant or scheduler
- xii. President-elect Donald Trump, and/or anyone communicating on his behalf and/or on behalf of Donald J. Trump for President 2024 and/or Trump Save America Joint Fundraising Committee (donaldjtrump.com, trump.com, trumphotels.com, donaldtrump.com, 45office.com, djtfp24.com)
- xiii. Project 2025 (project2025.org)
- xiv. Russ Vought, or anyone from Center for Renewing America or Citizens for Renewing America (americarenewing.com, citizensrenewingamerica.com)
- xv. Vivek Ramaswamy, and/or anyone communicating from an email address ending in vivek2024.com
- xvi. William Perry Pendley, and/or anyone from Pendley Law Firm

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 a listed official received a mass-distribution news clip email from an email ending in heritage.org, that initial email would not be responsive to this request. However, if that official forwarded that email to another listed individual with their 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 October 1, 2024, through the date the search is conducted.

- 2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the City of Pittsburgh officials listed above in part one of this request — or anyone communicating on their behalf, such as a secretary, assistant, or scheduler — and containing any of the key terms listed below.

Key Terms:

- i. Trump
- ii. Heritage
- iii. “Project 2025”

- iv. Project2025
- v. P2025
- vi. “Mandate for Leadership”
- vii. “presidential transition”
- viii. “next admin”
- ix. Pendley
- x. “Office of Surface Mining”
- xi. OSM
- xii. “Reclamation and Enforcement”
- xiii. “Reclamation & Enforcement”
- xiv. “Government Efficiency”
- xv. DOGE
- xvi. Musk
- xvii. Burgum
- xviii. Relocate
- xix. Relocation

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 of its request to emails sent by the listed officials or anyone communicating on their behalf. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed official’s response to an email containing a listed key term 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 April 1, 2023, 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 whether and to what extent local officials have been communicating about Project 2025’s call for relocation of the Office of Surface Mining Reclamation and Enforcement headquarters to Pittsburgh,¹ especially in light of reporting on the incoming Trump administration’s plans to relocate thousands of

¹ See William Perry Pendley, *Department of the Interior, 535*, in MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE (Paul Dans & Stephen Groves, eds., 2023), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

federal workers out of Washington, D.C.² 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 local officials are considering this potential relocation to be a serious proposition.

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).³

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.⁴ 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;⁵ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁶ posting records received as part of American

² See, e.g., Mark Olalde, *Trump Says He'll Move Thousands of Federal Workers Out of Washington. Here's What Happened the First Time He Tried*, ProPublica (Oct. 23, 2024, 6:00 AM), <https://www.propublica.org/article/donald-trump-election-federal-agencies>.

³ American Oversight currently has approximately 16,000 followers on Facebook and 98,000 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 17, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Jan. 17, 2025).

⁴ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁵ 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 Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁶ 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->

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;⁷ 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.⁸

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. 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 terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as

[uncertainty-over-covid-19](https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records); *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>.

⁷ 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>.

⁸ *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>.

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 Right-to-Know Law.⁹
- 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

⁹ See, e.g., *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).

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 me at records@americanoversight.org or (276) 221-6951 ext. 1029. 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/ Charles Pritz
Charles Pritz
on behalf of
American Oversight



Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: _____ (Attn: AORO)

Date Request Submitted: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: _____

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the [Official RTKL Fee Schedule](#) for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$_____.

Do you want [certified copies](#)? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.