AMERICAN OVERSIGHT

February 21, 2025

VIA ONLINE PORTAL

New York City Emergency Management
Records Access Officer
Robert DeVoogd, Agency Attorney
165 Cadman Plaza E.
Brooklyn, NY 11201
Via Online Portal

Re: Freedom of Information Law Request

Dear Records Access Officer:

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the New York City Emergency Management officials listed below, and (b) anyone communicating from the Federal Emergency Management Agency (FEMA) (fema.dhs.gov).

   New York City Emergency Management Officials:
   i. Zachary Iscol, Commissioner
   ii. Christina Farrell, First Deputy Commissioner
   iii. Yokarina Duarte, Chief of Staff
   iv. Rachel Sulaymanov, Executive Director of Government Relations

   For part 1 of this request, please note that American Oversight does not seek, and that 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. In other words, for example, if an official received a mass-distribution news clip email from FEMA, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing the key term "FEMA".

   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 2 of this request to emails sent by the specified individuals. However, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

For parts 1-2 of this request, please provide all responsive records from February 10, 2025, through February 14, 2025.

3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the New York City Emergency Management officials listed below, 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 domains).

   External Entities and Individuals:
   a. America First Legal (aflegal.org)
   b. Border 911 (border911.com)
   c. Elon Musk
   d. Stephen Miller
   e. Thomas "Tom" Homan
   f. Department of Government Efficiency (DOGE)
   g. White House Office (who.eop.gov)

   For part 3 of this request, please note that American Oversight does not seek, and that 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. In other words, for example, if an official received a mass-distribution news clip email from America First Legal, that initial email would not be responsive to this request. However, if the official forwarded that email to another listed individual with commentary, that subsequent message would be responsive to this request and should be produced.

4. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed above in part 1 and containing any of the key terms listed below.

   Key Terms:

a. immigrant
b. migrant
c. alien
d. illegals
e. undocumented
f. non-citizen
g. noncitizen
h. "non citizen"
i. tent
j. shelter
k. hotel
l. Trump
m. Homan
n. "Stephen Miller"
o. "White House"
p. sanctuary
q. Elon
r. Musk
s. DOGE
t. "Department of Government Efficiency"

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 XXX of this request to emails sent by the specified individuals. However, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

5. All talking points or background materials prepared within the Office of the Mayor of New York City related to FEMA funding for migrant shelters or Elon Musk.

For parts 3-5 of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

Fee Waiver Request

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). 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 information gathered through research and public records requests, 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).[1]

The public has a significant interest in New York City's sanctuary policies and collaboration with federal immigration enforcement officials.[2] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the New York City government, including whether and to what extent sanctuary policies are being influenced by the Trump administration.

Accordingly, American Oversight respectfully requests a fee waiver.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

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.

- 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.

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[1] American Oversight currently has approximately 16,000 followers on Facebook and 95,700 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 17, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 17, 2025).

[2] *See, e.g.*, Katie Honan, *Mayor Adams to Top Commissioners: Don't Criticize Trump, Don't Interfere with Immigration Enforcement*, The City (Feb. 10, 2025, 12:45 PM), https://www.thecity.nyc/2025/02/10/eric-adams-donald-trump-pardon-2/.

- 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. 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. 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 Emma Lewis at records@americanoversight.org or (202) 919-6303. 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/ Emma Lewis
Emma Lewis
on behalf of
American Oversight