AMERICAN OVERSIGHT

September 4, 2025

VIA EMAIL

West Virginia Governor's Office
State Capitol
1900 Kanawha Blvd. E.
Charleston, WV 25305
governor@wv.gov

Re: West Virginia Freedom of Information Act Request

Dear Records Custodian:

Pursuant to the West Virginia Freedom of Information Act, W. Va. Code § 29B-1-1 et seq., American Oversight makes the following request for copies of records.

Requested Records

American Oversight requests that the West Virginia Governor's 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) sent by any of the West Virginia Governor's Office officials listed below, and/or anyone communicating on their behalf, such as an assistant, secretary, or chief of staff, and containing any of the key terms listed below.
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> West Virginia Governor's Office Officials:
> i. Patrick Morrisey, Governor
> ii. Tom McCaffrey, Chief of Staff
> iii. Douglas Buffington II, Senior Advisor
> iv. A. Todd Johnston, Deputy Chief of Staff
> v. John Findlay, Director of Intergovernmental and Political Affairs
>
> Key Terms:
> a. DC
> b. D.C.
> c. Washington
> d. "National Guard"
> e. deploy
> f. deployed
> g. deployment

[1] W. Va. Code § 29B-1-3(d) (requiring custodian to furnish requested records "as soon as practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays.").

h. deploying
i. troops
j. WVARNG

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails sent by the specified individuals. To be clear, however, American Oversight still 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.

Please provide all responsive records from August 10, 2025, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of $100 prior to incurring such costs or fees.

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.
- In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.[2]
- 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.[3] 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.

[2] *See* W. Va. Code § 29B-1-2(6) (defining "writing" to include "books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.").
[3] *See* W. Va. Code § 29B-1-2(5) (defining a "public record" to include "any writing containing information prepared or received by a public body" that "relates to the conduct of the public's business.").

- 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.[4] If a request is denied in whole, please state specifically whether 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.

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 office 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.

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).[5]

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

[4] *See Farley v. Worley*, 215 W. Va. 412, 424, 599 S.E.2d 835, 847 (2004) (holding that a public body must redact or segregate exempt from non-exempt information contained within a responsive record, absent a written justification explaining that such segregation or redaction would impose an unreasonably high burden or expense).
[5] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook,

understand any part of this request, please contact Loree Stark at records@americanoversight.org or (304) 913-6114.

Sincerely,

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

https://www.facebook.com/weareoversight/ (last visited Sept. 3, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Sept. 3, 2025).