

July 18, 2017

Gina Hendryx  
General Counsel  
Oklahoma Bar Association  
1901 N Lincoln Boulevard  
PO Box 53036  
Oklahoma City, OK 73105

Dear Ms. Hendryx,

We write in reference to your ongoing investigation of Edward Scott Pruitt, a member of the State of Oklahoma Bar and former state Attorney General, who now serves as Administrator of the U.S. Environmental Protection Agency (EPA). Through this letter I am providing additional relevant information for the Bar's consideration.

On March 21, the Center for Biological Diversity and University of Oklahoma law professor Kristen van de Biezenbos filed a complaint with you alleging Mr. Pruitt's inconsistent and contradictory statements to the Senate Environment and Public Works Committee (EPW Committee) about his email use violated Rule 8.4(c) of the Oklahoma Rules of Professional Conduct. I was listed on the complaint as witness.

Although I do not have any non-public information about Mr. Pruitt's testimony before Congress, I have had a front-row seat for Mr. Pruitt's misleading testimony and his ongoing failure to respond completely and truthfully to Committee requests for him to set the record straight. His misleading answers, evasiveness, and stonewalling initially stymied our Committee's ability to adequately discharge our advice and consent responsibilities and presently stymie its ability to conduct effective oversight of Mr. Pruitt and EPA. This conduct is unbecoming of an attorney who is also a public official and who, under law, is required to testify truthfully to Congress.

### *Facts*

On December 8, 2016, President-Elect Trump announced he would nominate Mr. Pruitt to lead the EPA. On January 4, 2017, Mr. Pruitt submitted his required pre-hearing questionnaire to the EPW Committee, listing a "@me.com" email address as his "Business E-Mail." Exhibit A. E-mail use and addresses have been a significant political issue, as the Bar well knows. This was

the only email address he provided on that form. It was a misstatement. At his January 18, 2017 confirmation hearing,<sup>1</sup> I asked Mr. Pruitt whether that disclosure form had been accurate. He responded, “The @me.com address is not a business email address, I’m not sure why it was designated as such.” Exhibit B.

I then noted, “You also have an @oag.ok.gov address. Are there other email addresses that you have, are there other email address that you use for business other than your @me.com and your @oag.ok.gov email addresses?”. Mr. Pruitt answered “[t]here are no other email addresses if that’s your question, senator.” *Id.* That has been shown to be another misstatement.

In post-hearing questions for the record, I asked Mr. Pruitt: “How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you’ve used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.” Exhibit C. On January 24, 2017, as part of a woefully inadequate set of responses to EPW Member questions, Mr. Pruitt provided the following written response to this question:

“I have used **two e-mail addresses** since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and **an** official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain for my official e-mail address is oag.ok.gov.” (emphasis added). *Id.*

This has proven to be a third misstatement.

Despite numerous outstanding questions about Mr. Pruitt’s email practices and other issues raised by us and other Members of the EPW Committee, the Committee majority scheduled a vote to report Mr. Pruitt’s nomination to the full Senate on February 1, 2017, forcing Committee Democrats to take the drastic step of boycotting the vote.<sup>2</sup> Mr. Pruitt reported out of Committee without any Democrats present on February 2, 2017.

As the full Senate was considering Mr. Pruitt’s nomination, the Center for Media and Democracy filed an Open Records Act (ORA) lawsuit against the Office of Oklahoma Attorney General (OK AG) for failing to respond to its ORA requests for more than two years. The lawsuit demanded that the OK AG produce, among other things, Mr. Pruitt’s emails to certain energy companies that he would be responsible for regulating as EPA Administrator. In ordering the release of records, Judge Aletia Haynes Timmons of the Seventh District Court of Oklahoma found that

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<sup>1</sup> Making false statements to Congress is an offense punishable under 18 U.S.C. 1001 (prohibiting knowing or willful “[m]aterially false, fictitious, or fraudulent statement or representation.”).

<sup>2</sup> Senator Tom Carper, *EPW Dems Demand Substantive, Straightforward Answers from Scott Pruitt*, Feb. 1, 2017, <https://www.epw.senate.gov/public/index.cfm/2017/2/epw-dems-demand-substantive-straightforward-answers-from-scott-pruitt>

there had been “[a]n abject failure to provide prompt and reasonable access to documents requested . . . .”<sup>3</sup> This “abject failure” can be seen as bearing on Mr. Pruitt’s intent in the several misstatements.

Mr. Pruitt was confirmed by the Senate to be EPA Administrator, over the objections of many Senators that he was not forthcoming with the Senate on February 17, 2017.

On February 21, the OK AG’s Office released 7,564 pages of Mr. Pruitt’s email correspondence under the court-ordered disclosure. Documents in this disclosure showed Mr. Pruitt used his @me.com email address for business purposes, contradicting his January 24 responses to the Committee. Emails to a previously undisclosed email address, esp@oag.ok.gov, were included in this disclosure but were not associated with Mr. Pruitt. These released documents show that people outside of the OK AG’s office emailed Mr. Pruitt at the undisclosed esp@oag.ok.gov email address as far back as 2014 and his personal email address about official business as far back as 2013.

Emails using the @me.com address include (Exhibit D):

- August 14, 2013 email to Mr. Pruitt from Sarah K. Magruder Lyle, Vice-President of Strategic Initiatives at the American Fuel & Petrochemical Manufacturers (AFPM), copying Clayton Eubanks (then solicitor general). The email included the AFPM’s Renewable Fuels Standard (RFS) waiver petition it filed with EPA and expressed AFPM’s interest in Oklahoma “filing a similar waiver requests highlighting the environmental harm caused by the RFS mandate.”
- April 16, 2013 email from Amy KJose Anderson, Civil Justice Task Force Director and Oklahoma Membership Contact at the American Legislative Exchange Council (ALEC) to Mr. Pruitt, Ashley Olmstead (Pruitt’s then-executive assistant), and Melissa Houston (Pruitt’s then-chief of staff), copying Derek Albro (Devon Energy), regarding his remarks at an ALEC meeting. (@me.com was redacted)

On February 24, Oklahoma Fox 25 reported on emails it received in response to its long-languishing (under Attorney General Pruitt) ORA request(s) that showed Mr. Pruitt had used his personal @me.com account for official business. The story also included confirmation from the OK AG’s office that Mr. Pruitt used his private email for state business. Exhibit E.

In response to the discovery that Mr. Pruitt did in fact use his personal email for official business, on March 17, 2017, Senators Carper, Sanders, Markey, Duckworth, and I requested Mr. Pruitt explain why he told the Committee that he did not. Exhibit F.

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<sup>3</sup> Phil McCausland, *Scott Pruitt, President Trump’s EPA Nominee, Ordered to Release Thousands of Emails*, NBC NEWS (Feb. 16, 2017, 9:26 PM EST), <http://www.nbcnews.com/news/us-news/scott-pruitt-president-trump-s-epa-nominee-ordered-release-thousands-n722161>.

After your office indicated it was investigating a bar complaint filed against Mr. Pruitt related to his congressional testimony, Mr. Pruitt wrote to the EPW Committee acknowledging he used his personal email address to conduct official business. This was the first time he provided any hint of having used more than one official state email account, though only through an unexplained use of a plural noun. He stated:

“I believe my original response to Senator Whitehouse’s question . . . was and remains correct. But to prevent any possible confusion, I supplement my original response as follows: My practice is to conduct official business through official channels, including my state-provided email **accounts**.” (emphasis added) (internal quotation omitted).  
Exhibit G.

Mr. Pruitt also claimed any inaccuracies in his written statement on January 24 were “based on the best information available at the time and having only four day to complete approximately 1,100 written questions and subparts.” *Id.* The Bar should know there was no deadline for his response to the Committee—his only obligation was to provide complete and accurate answers.

On June 14, 2017, the *Washington Post* published a story, “Scott Pruitt used two government email addresses in his last job. He told Congress he used one.”<sup>4</sup> The story focused on emails with the esp@oag.ok.gov address and included confirmation from the OK AG’s office about the existence of both accounts, saying “they are both on the attorney general’s server.” *Id.* The emails show he sent and received email from this address and used it to interact with his senior staff as recently as October 2016.

- May 25, 2016 email to Mr. Pruitt from Will Gattenby (his then-press secretary), copying Mike Hunter (current Attorney General of Oklahoma who was First Assistant Attorney General at the time) and several other members of his staff, about his appearance before the House Energy & Commerce Subcommittee on Environment on the “Impact of Clean Power Plan on States.” It includes suggested answers to potential questions, including why he had not responded to Open Records Act requests.

October 5, 2016 email to Mr. Pruitt from Lincoln Ferguson (previously his press secretary in the Oklahoma Attorney General’s Office and currently an EPA spokesperson) about an interview focused on “discussing federal overreach (Clean Power Plan, DOL, ICANN)” that includes talking points. Exhibit H.

On June 15, 2017, Senators Carper, Sanders, Merkley, Markey, Duckworth, and I asked Mr. Pruitt to explain why he failed to disclose a third email account he used as Oklahoma Attorney

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<sup>4</sup> Dino Grandoni, *Scott Pruitt Used Two Government Email Addresses in His Last Job. He Told Congress He Used One*, WASHINGTON POST (June 14, 2017), [https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm\\_term=.06ddebbad78c](https://www.washingtonpost.com/news/powerpost/wp/2017/06/14/pruitt-used-two-government-email-addresses-in-his-last-job-he-told-congress-he-used-one/?utm_term=.06ddebbad78c).

General despite having been asked repeatedly to do so during his confirmation process. Mr. Pruitt has yet to respond.

At a June 15, 2017 hearing of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, Ranking Member Betsy McCollum mentioned Mr. Pruitt's undisclosed esp@oag.ok.gov address:

"[T]here were reports that you failed to disclose an email account that you had while you were Attorney General, the one that's esp@oag.ok.gov, and it's kind of distressing because at your hearing you said you only had two email addresses and now this third one came forward, so you weren't completely accurate at the time. And Senator Whitehouse said that you've had several opportunities to correct the record on your emails." Exhibit I.

Mr. Pruitt volunteered a response, referencing his May 5 letter to the EPW Committee:

"[B]oth in my oral testimony, as well as there's a letter actually that I submitted to the EPW Committee in May, that recognized multiple state email accounts, so there's been a consistency there, the representations that you're citing are not accurate. So we've informed the Committee, that was consistent with my oral testimony." *Id.*

As to his oral testimony, this was yet another misstatement.

### *Argument*

Mr. Pruitt has been consistently inconsistent and inaccurate in his testimony before Congress. Despite repeated opportunities to provide clear and complete answers to questions about his email use while Attorney General of Oklahoma, he has provided answers that have been wrong, incomplete, and misleading. Mr. Pruitt's conduct before Congress, both as a nominee and since his confirmation, is no small matter.

Oklahoma Rule of Professional Conduct 8.4(c) holds it to be professional misconduct for any lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Comment 5 to this Rule further adds that "[l]awyers holding public office assume legal responsibilities going beyond those of other citizens." Washington, D.C. Bar Ethics Opinion 323, which interprets a substantially similar Rule 8.4, explains that this Rule is violated by lawyers who make such unethical statements when they are not representing clients, explicitly noting "[f]alse testimony under oath in a United States court or before the Congress is



prohibited.”<sup>5</sup> The D.C. Bar and others have found false testimony before Congress to be sanctionable behavior.<sup>6</sup>

Mr. Pruitt’s statements about his email practices have been misleading, and appear to have been purposely designed to frustrate the Committee’s ability provide advice and consent to the President and to conduct oversight of his work as Administrator. These have included:

- His initial failure to disclose his official work email address in his January 4 questionnaire;
- Testimony at his January 18 confirmation hearing and January 24 written response to a Question for the Record that he never used his personal email for official business, which was subsequently proven incorrect when his emails were publicly disclosed;
- His January 24 written response to a Question for the Record that he had only two email addresses while Attorney General, a business and a personal account, which was again proven incorrect by the public release of emails in June linking him to a third email account, [esp@oag.ok.gov](mailto:esp@oag.ok.gov);
- His May 5 letter to the Committee in which he raised the possibility, by adding an “s,” after multiple representations to the contrary, that he may have had more than one official email address, without actually identifying those addresses to clarify the record;
- In his June 15 testimony before a House Appropriations subcommittee during which he claimed all of his statements had been “consistent” because his May 5 letter “recognized multiple state email accounts,” again without supplementing his prior answers to questions specifically asking him to disclose those accounts.

Answers about Mr. Pruitt’s email conduct as Oklahoma Attorney General has direct bearing on whether he should have been confirmed by the Senate, and continue to be an essential element of conducting effective oversight over his administration of the EPA. It was only through court-ordered disclosures of his email released, after “abjectly” delayed review, and after Mr. Pruitt was confirmed that Congress learned of Mr. Pruitt’s use of his personal email address to conduct state business and the [esp@oag.ok.gov](mailto:esp@oag.ok.gov) email address despite being asked about both during his confirmation process.

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<sup>5</sup> District of Columbia Bar, *Ethics Opinion 323: Misrepresentation by an Attorney Employed by a Government Agency as Part of Official Duties*, <http://www.dcbbar.org/bar-resources/legal-ethics/opinions/opinion323.cfm> (accessed July 6, 2017).

<sup>6</sup> See, e.g., *In re Abrams*, 689 A.2d 6, 19 (D.C. Ct. App. 1997) (agreeing that the D.C. Board on Professional Responsibility recommendation of a one-year suspension of the law license of Elliott Abrams, an Assistant Secretary of State, for giving false testimony to the Senate Foreign Relations Committee would have been appropriate for the offense); *State ex rel. Neb. State Bar Ass’n v. Cook*, 194 Neb. 364, 388 (1975) (suspending the law license of Securities and Exchange Commission Chairman G. Bradford Cook for three years for committing perjury in grand jury and Congressional testimony; *District of Columbia Bar v. Kleindienst*, 345 A.2d 146, 149 (D.C. Ct. App. 1975) (suspending the law license of Richard Kleindienst, President Nixon’s nominee to be Attorney General, for thirty days for lying at his confirmation hearing before the Senate Judiciary Committee about White House efforts to influence Department of Justice proceedings).

Email disclosures are how Congress learned of Mr. Pruitt's symbiotic relationship with the energy companies he now regulates as EPA Administrator. In a Pulitzer Prize winning investigation, *The New York Times* documented Mr. Pruitt's practice of raising political funds from energy companies such as Devon Energy and then supporting their interests through litigation against the EPA and the regulatory process.<sup>7</sup> In May, *The New York Times* reported on a checklist of rollbacks by the EPA that specifically benefit long-time Pruitt benefactor Devon Energy.<sup>8</sup>

Additional facts have recently come to light that suggest that under Mr. Pruitt's leadership, the Office of Attorney General stonewalled public efforts to obtain records under Oklahoma Open Records Act, making his evasive and misleading answers to the Committee even more troubling. Because he successfully delayed the public disclosure of his emails before being confirmed, Congress did not know the breadth—and continues to be unsure of the full extent—of his interactions with Devon, other energy companies, and other parties interested in EPA issues before becoming EPA Administrator.

On February 2, 2017, I requested a list of all pending Open Records Act requests with the OK AG. On June 16, 2017, the OK AG responded to my request with a list of 77 then-pending ORA requests. None were beyond six months old, with the first dated December 7, 2016. Exhibit J.

The OK AG subsequently provided my office a list of 78 ORA requests that it had closed since February 2, 2017. Exhibit K. Seventy-five of those cases were closed by Mr. Pruitt's successor, and 13 of those had been filed in 2014 or 2015. In other words, in the approximately five months after Mr. Pruitt's departure, the new OK AG was able to clear up Mr. Pruitt's years-long ORA backlog so that no requests have now been pending for more than seven months. Under Mr. Pruitt's leadership, some ORA requestors waited over two years for a response.

A closer look at the backlog that accrued under Mr. Pruitt suggests this was not mere happenstance. At least 28 of the ORA requests that remained unanswered when Mr. Pruitt became EPA Administrator related to information that would be relevant to Mr. Pruitt's position at EPA, including:

- Ten requests for correspondence with energy companies or related organizations;

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<sup>7</sup> Eric Lipton, *Energy Firms in Secretive Alliance with Attorneys General*, N.Y. TIMES (Dec. 6, 2014), <https://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html>.

<sup>8</sup> Hiroko Tabuchi & Eric Lipton, *How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas*, N.Y. TIMES (May 20, 2017), <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>.

- Six requests for correspondence with groups that have taken positions on matters before the EPA, such as the U.S. Chamber of Commerce and the Republican Attorney Generals Association;
- Four requests for documents related to Mr. Pruitt's attacks on the Humane Society of the United States or the right to farm;
- Three requests related to Mr. Pruitt's processing of ORA requests;
- Three requests for correspondence related to matters before the EPA; and
- Two requests for Mr. Pruitt's calendars.

In sum, Mr. Pruitt's pattern of misstatements and attempted obfuscation of his email use, linked with his "abjectly" delayed ORA responses regarding those emails, has been a self-serving effort to conceal his ties to industries that have given money to him in the past, and which he now regulates. This conduct on its face appears to violate the standards of professional responsibility that Mr. Pruitt has taken an oath to uphold. I hope this information is of assistance to the Bar, and urge it to complete a thorough investigation into the allegations raised against him by the Center for Biological Diversity and Professor Kristen van de Biezenbos.

Sincerely,



Sheldon Whitehouse  
United States Senator



## Exhibit A

**UNITED STATES SENATE  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES**

**UNITED STATES SENATE**

**COMMITTEE ON ENVIRONMENT  
AND PUBLIC WORKS**

**ROOM 410 DIRKSEN SENATE OFFICE BUILDING  
WASHINGTON, DC 20510**

**INFORMATION**

**REQUESTED OF PRESIDENTIAL  
NOMINEES**

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement for completion by Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John Barrasso, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Susan Bodine) as soon as possible.

**Name of Nominee:** Edward Scott Pruitt

**Position to which nominated:** Environmental Protection Agency Administrator

**Date of Nomination:** 12/08/2016

**Business Name:** Office of the Oklahoma Attorney General

**Business Address:** 313 N.E. 21st Street

**City, State & Zip:** Oklahoma City, OK 73105

**Business E-mail:** scott.pruitt@me.com

**Business Phone:** 405.522.4396

**Full Legal Name:** Edward Scott Pruitt

**Date of birth:** 05/09/1968

**State of residency:** Oklahoma

## Exhibit B

## **Senate Environment and Public Works Committee Holds Hearing on Nomination of Scott Pruitt to be EPA Administrator**

[Senator Whitehouse questions, excerpted]

WHITEHOUSE:

I just wanted to touch on two things and then we'll wrap up. The first is that on your questionnaire, you listed an email address with a me.com domain, as your business email.

You also have an oag.ok.gov address. Are there other email address that you have and are there other email addresses that you use for business, other than your me.com and your oag.ok.gov email addresses?

PRUITT:

The -- I'm sorry, Senator. The -- the me address is not a business email address. It's a -- it's a -- and I'm not sure why it was designated as such. I'm on my first visit ...

WHITEHOUSE:

OK, maybe we can prescribe the filing on that...

PRUITT:

Yeah, but there are no ...

WHITEHOUSE:

... so there's no other ...

PRUITT:

... there are no other email addresses, if that's your question, Senator

## Exhibit C



**Senate Environment and Public Works Committee**  
**Hearing entitled, "Nomination of Attorney General Scott Pruitt to be Administrator**  
**of the U.S. Environmental Protection Agency"**

**January 18, 2017**

**Questions for the Record for the Honorable E. Scott Pruitt**  
**[Senator Whitehouse questions, excerpted]**

114. How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you've used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.

**I have used two e-mail addresses since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and an official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain of my official e-mail address is oag.ok.gov.**

115. Have you ever conducted business using your personal email accounts, non-official Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others you've used to conduct official business.

**I use only my official OAG email address and government issued phone to conduct official business.**

## Exhibit D

**From:** [Sarah Magruder Lyle](mailto:Sarah.Magruder.Lyle)  
**To:** [Scott Pruitt \(Scott.pruitt@epa.gov\)](mailto:Scott.Pruitt@EPA.gov)  
**Cc:** [Clayton Eubanks@epa.gov](mailto:Clayton.Eubanks@epa.gov)  
**Subject:** AFPM's 2014 Renewable Fuels Standard Waiver Filed  
**Date:** 08/14/2013 03:48 PM  
**Attachments:** [AFPM RFS Waiver Petition 8.13.2013.pdf](#)

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Dear General Pruitt –

I hope you are doing well!

Attached you will find AFPM's 2014 Renewable Fuels Standard (RFS) waiver petition which was filed with the Environmental Protection Agency (EPA) on August 13. While this petition does not address environmental harm, it provides compelling support on the economic harm cause by the ethanol blendwall under the RFS mandate. The filing of this petition starts the statutory 90-day time period within which EPA must respond.

AFPM remains very interested in the prospect of your state filing a similar waiver request highlighting the environmental harm caused by the RFS mandate which we discussed previously. I would be happy to answer any questions you may have. Please feel free to contact me at [slyle@afpm.org](mailto:slyle@afpm.org) or at 202.552.4367.

Best,

**Sarah K. Magruder Lyle**  
Vice President, Strategic Initiatives

American  
Fuel & Petrochemical  
Manufacturers  
1667 K Street NW  
Suite 700  
Washington, DC 20006  
202.457.0480 office  
202.552.4367 direct

[slyle@afpm.org](mailto:slyle@afpm.org)

Learn more about AFPM at [afpm.org](http://afpm.org)

**CONFIDENTIALITY NOTICE:** This electronic message contains information from the American Fuel & Petrochemical Manufacturers that may be confidential or privileged. The information is intended solely for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (202) 457-0480 or by reply e-mail and permanently delete this e-mail, any attachments, and all copies thereof.

**From:** Amy Klose Anderson  
**To:** Ashley Olmstead@oag.ok.gov; Melissa Houston; Scott Pruitt (scott.pruitt@ok.gov)  
**Cc:** Albro, Derek  
**Subject:** ALEC Speaking Engagement  
**Date:** 04/16/2013 11:38 AM

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Wanted to provide you with details on General Pruitt's speaking engagement at the May 3<sup>rd</sup> ALEC meeting. The energy workshop will be in Ballroom DE at the Cox Convention Center and runs from 11am to 12:15 on the 3<sup>rd</sup>. General Pruitt will be joined by Jack Stark, Continental and Corey Goulet, TransCanada. Corey will be discussing infrastructure, Jack will be talking about fracking technology and safety, and we are looking forward to hearing General Pruitt's remarks on state primacy in oil and gas regulation and the EPA's sue & settle modus operandi. We expect that Corporation Commissioner Douglas will moderate the panel, though this is still underworks. Each panelist will have 15 to 20 minutes, which should leave 15 minutes for Q&A. If he has any questions, don't hesitate to call or email me. I will also be available on the day of at (202) 870-1110.

General Pruitt will be registered to attend any of the ALEC conference he would like. He's welcome to attend the Board Dinner on the evening of the 2<sup>nd</sup> at the Governor's Mansion (just let me know ahead of time) and we'd love to have him stick around for any of the rest of the conference... there is a reception on the evening of the 3<sup>rd</sup> at the Petroleum Club from 6 to 8pm. And let me know whether you've considered if he would like to participate as the Civil Justice Task Force Luncheon speaker... would be delightful to have our current legislative members benefit from his experience as a former state legislator, an ALEC member and a now attorney general. Koch Industries is sponsoring that luncheon.

Melissa, would you also like to be registered for the event? I can extend you a complimentary registration.

Best,  
Amy

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**Amy Klose Anderson**  
**Civil Justice Task Force Director and Oklahoma Membership Contact**  
American Legislative Exchange Council  
(p) (202) 742-8510  
(m) (202) 870-1110  
[alec.org/CivilJustice](http://alec.org/CivilJustice)

## Exhibit E





NEWS (/)

WEATHER (/WEATHER)

SPORTS (/SPORTS)

LIVING OKLAHOMA (/FEATURES/LIVING-OKLAHOMA)

TRAFFIC (/TRAFFIC)

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# Okla. AG's office confirms Pruitt used private email for state business

by Phil Cross, KOKH  
Friday, February 24th 2017

Cannot load M3U8: Crossdomain access denied



*This email, obtained by FOX 25 through an Open Records Act request, shows the Oklahoma Attorney General's Office redacting an email address for former Attorney General Scott Pruitt that does not match his official government email address. (KOKH/Phil Cross)*

AA

f



(mailto:?subject=A%20link%20for%20you&



OKLAHOMA CITY (KOKH (<http://okcfox.com/news/fox-25-investigates/ags-office-confirms-pruitt-used-private-email-for-state-business>)) - The Oklahoma Attorney General's Office confirms former Attorney General Scott Pruitt used a private email for state business. The information comes a week after [FOX 25 first revealed the emails that appeared to be sent from Pruitt's private email \(http://okcfox.com/news/fox-25-investigates/fox-25-investigates-ag-pruitt-potentially-using-private-email-for-state-business\)](http://okcfox.com/news/fox-25-investigates/fox-25-investigates-ag-pruitt-potentially-using-private-email-for-state-business) account.

FOX 25 requested answers about Pruitt's private email use and whether that account was searched for records in accordance with state law. It took one week for the office to return our multiple calls and emails and confirm it did search the account:

A spokesman for the agency, Lincoln Ferguson, said that attorneys within the office conducted the search of Pruitt's private, personal email account and did not find any documents that had not been captured in the search of official Oklahoma attorney general accounts.

Open government advocate and media professor Dr. Joey Senat said the state law regarding open records indicates that private accounts cannot be used to shield government officials from transparency laws. Senat said one of the weaknesses of Oklahoma's law on open records relies on trusting public officials that they have conducted appropriate searches of private accounts.

It is not illegal to use a private email account for state business, as long as those records are included in searches for public documents.

However, the revelation is in direct conflict with Pruitt's written and oral testimony before the Senate Environment and Public Works (EPW) Committee during the confirmation process. [Pruitt, who is now the administrator of the Environmental Protection Agency \(http://okcfox.com/news/nation-world/oklahoma-attorney-general-scott-pruitt-confirmed-by-senate-to-serve-as-epa-administrator\)](http://okcfox.com/news/nation-world/oklahoma-attorney-general-scott-pruitt-confirmed-by-senate-to-serve-as-epa-administrator), told lawmakers he had never used private email for state business.

Sen. Cory Booker, D-N.J., asked Pruitt directly, "Have you ever conducted business using your personal email accounts, nonofficial Oklahoma attorney general email accounts, text messages, instant messenger, voicemails, or any other medium?"

"I use only my official OAG [Office of the Attorney General] email address and government-issued phone to conduct official business," Pruitt replied.

Pruitt's former office is still facing a legal challenge over open records from the Center for Media and Democracy. The AG's office was [ordered to turn over thousands of records that had been withheld \(http://okcfox.com/news/local/judge-rules-that-pruitts-office-must-release-requested-records\)](http://okcfox.com/news/local/judge-rules-that-pruitts-office-must-release-requested-records) for more than two years. The AG's office is now appealing that ruling as it seeks to keep more records from public release, claiming they are exempt from release under exemptions to the Open Records Act.

Pruitt promised members of the Senate EPW Committee that as EPA administrator he would only use official government email to conduct the business of the agency. It is against federal law to use private email for official business.

## MORE TO EXPLORE

## Exhibit F

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
JOHN BOOZMAN, ARKANSAS  
ROGER WICKER, MISSISSIPPI  
DEB FISCHER, NEBRASKA  
JERRY MURAN, KANSAS  
MIKE HOUNDS, SOUTH DAKOTA  
JONI ERNST, IOWA  
DAN SULLIVAN, ALASKA  
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE  
BENJAMIN L. CARDIN, MARYLAND  
BERNARD SANDERS, VERMONT  
SHELDON WHITEHOUSE, RHODE ISLAND  
JEFF MERKLEY, OREGON  
KRISTEN GILLIBRAND, NEW YORK  
CORY A. BOOKER, NEW JERSEY  
EDWARD J. MARKEY, MASSACHUSETTS  
TAMMY DUCKWORTH, ILLINOIS  
KAMALA HARRIS, CALIFORNIA

## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

March 17, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20004

Dear Administrator Pruitt:

Recent reporting and long-delayed disclosure of emails and documents from your time as the Oklahoma Attorney General show that you were not fully forthcoming and truthful with the Committee in advance of your confirmation. As members of the Environment and Public Works Committee, we respectfully request that you provide clarification by answering several questions and make specific commitments to promote transparency and accountability at the EPA as preceding Administrators have done before you. Our concerns and requests are described below, and we ask that you respond to us by April 7, 2017.

**1. Correcting the Record Regarding Your Use of Personal Email Address to Conduct Official Business**

In response to questions from Senator Whitehouse about your personal email address and use of it for official business, you stated three separate times that you only used your official Oklahoma Attorney General email address to conduct official business. Yet an examination of the documents the Oklahoma Attorney General's Office released to the *New York Times*, Fox 25 in Oklahoma, and the Center for Media and Democracy (CMD) reveal several instances in which your personal email address was used for official business. Fox 25 also received confirmation from the Oklahoma Attorney General's Office that you used your personal email address for official business and released a video showing documents proving you both received and sent official emails via your personal email address.

**Request:** Based on this new information, we request that you correct the record, and provide an answer to one of the email-related questions posed to you during your confirmation process: "Have you ever conducted business using your personal email accounts, non-official Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others used you used to conduct official business while Attorney General of Oklahoma."

Additionally, upon review of the documents responsive to the previously mentioned Open Records Act requests, the extent of your personal email use and whether your personal email accounts were adequately searched to respond to those requests remains unclear.



Moreover, the use of a personal email address to conduct official business could violate the Presidential and Federal Records Act Amendments of 2014.

**Request:** Please respond to the following questions:

- Were your personal email accounts searched for emails and documents that were responsive to the recently-released partial production of documents related to CMD's Open Records Act request? If so, how many responsive documents were found and how many were released?
- Dozens of Oklahoma Open Records Act requests, including nine from CMD, are currently pending before the Oklahoma Attorney General's Office, including some for text messages. Do you commit to allowing the Oklahoma Attorney General's Office to search your personal email account(s) and phone(s) for responsive documents?
- Have you retained all official emails and texts you sent and received on your personal email accounts and phones while Attorney General of Oklahoma?
- Since January 20, 2017, have you or any political appointees at EPA used non-official electronic messaging accounts, including email addresses, personal phones, and any encrypted messaging applications (e.g., Confide, Signal, Whisper) to send or receive official messages? If so, have complete copies of those records been forwarded to the corresponding official accounts within the 20 days after the creation or transmission of the record, as required by the Presidential and Federal Records Act Amendments of 2014?
- What steps are you taking to ensure you and all political appointees at EPA comply with the Presidential and Federal Records Act Amendments of 2014?
- In a question for the record following your confirmation hearing, Senator Whitehouse asked you to notify the Committee of all of the email addresses you plan to use in your role as EPA Administrator, including aliases or pseudonyms, which you agreed to do. The Committee has not yet received this information, and we request that you promptly provide it.

## **2. Affirm and Comply with the EPA Policy Regarding the Use of Personal Email Accounts**

As you may know, during the confirmation process of your predecessor, Regina A. McCarthy, then Ranking Member David Vitter requested that the agency "issue new guidance ... that outlines ... standards and procedures to ensure that all official business is conducted solely on official government email accounts ..." In response, then Acting Administrator Robert Perciasepe put into place CIO 2155.3, "Records Management Policy." The policy provides for full compliance by EPA and its personnel with records management and access requirements, and includes detailed implementation procedures and requirements for agency officials, management, staff and contractors.

**Request:** We ask that you commit to maintain the Records Management Policy and its rigorous implementation. We also ask that you direct staff to follow the spirit and intent of the policy as well as its express requirements, and that you ensure that devices, such as PIN-protected email or document transmission or other encryption applications not be

used by political appointees. In addition, in light of your own failure to respond truthfully to Senator Whitehouse's question, we ask that you affirm in writing your commitment to never use any personal email account to conduct professional business for the entirety of your tenure at EPA.

### 3. Release of Your Calendar

During your confirmation process, Senator Carper asked you to "list all public speeches or presentations you have made that included references to any issue related to energy or the environment since 1998, and please provide copies (written, audio, or video) of any such speeches or presentations." In your responses to the Committee<sup>1</sup>, you provided a list of such events, but an examination of the documents the Oklahoma Attorney General released to the Center for Media and Democracy indicate that the material you provided the Committee was incomplete. For example, the list you provided does not include: a June 27, 2014 breakfast panel sponsored by the Americans for Prosperity; a July 15, 2014 Four Star Leadership event; an August 4, 2014 telephonic briefing entitled "States Push Back: Curbing EPA's Power Grab"; and a May 20, 2014 discussion entitled "Scott Pruitt Presents 'The Oklahoma Attorney General's Plan: The Clean Air Act Section 111(d) Framework that Preserves States' Rights'" that was sponsored by the Federalist Society and held at the National Press Club. The Oklahoma Attorney General has not yet agreed to release all of the documents requested by the Center for Media and Democracy and additional discrepancies between the events you told the Committee you participated in and what you appear to have actually done may yet be revealed.

Moreover, an examination of the documents that were released by the Oklahoma Attorney General demonstrate a disturbing pattern of coordination with the oil and gas sector as you planned your efforts to oppose EPA's regulations. For example, the American Fuel & Petrochemical Manufacturers, which opposed EPA's Renewable Fuel Standard (RFS) Program and ozone regulations, provided you with suggested language for an Oklahoma AG-authored petition, noting in 2013 that "this argument is more credible coming from a State." Later that year, you filed letters in opposition to both the RFS and ozone limits. In 2013, Devon Energy organized a meeting between your office, Leonard Leo of the Federalist Society and coal industry lawyer Paul Seby to plan the creation of a "clearinghouse" that would "assist AGs in addressing federalism issues." Melissa Houston, your then chief of staff, emailed Devon Energy saying "this will be an amazing resource for the AGs and for industry."

**Request:** The combination of your failure to disclose all of your speaking engagements to the Committee and your record of close coordination with the oil and gas sector raise concerns about whether such coordination will continue in your current role as EPA Administrator. So that we may better perform our oversight roles, we request that at the end of each month, you provide the Committee with a copy of your calendar that lists all meetings, calls, and events in which you participated, and the participants and subject of each such meeting, call, or event. We note that former Administrator McCarthy routinely released copies of her calendar under Freedom of Information Act requests,<sup>2</sup> and former

<sup>1</sup> [https://www.epw.senate.gov/public/\\_cache/files/daf68bcb-f572-4a90-b0bb-6da7c4790603/scott-pruitt-qfr-supplemental-materials-01.18.2017.pdf](https://www.epw.senate.gov/public/_cache/files/daf68bcb-f572-4a90-b0bb-6da7c4790603/scott-pruitt-qfr-supplemental-materials-01.18.2017.pdf)

<sup>2</sup> <http://www.eenews.net/stories/1060022093>

Administrator Jackson made her own, and other EPA appointees' calendars, publicly available each day.<sup>3</sup>

#### **4. Address Concerns about Secrecy Associated with Transition and Other Political Appointees**

A February 24, 2017 article in E&E News titled "Trump team kept some transition members secret" described a "broader 'action team' responsible for producing an 'action plan' for the agency whose members were never publicly disclosed." One of these members was reportedly Steve Milloy, who lists himself as the author of "Scare Pollution: Why and How to Fix the EPA," as well as a member of the Trump EPA transition team on his twitter biography.<sup>4</sup> According to the article, one of his lawsuits against the EPA "likened tests exposing people to diesel engine particulate emissions to medical experiments performed in Nazi concentration camps." His name does not appear on the official transition team list<sup>5</sup> for the agency. Other reports of personnel working on the EPA transition team raise conflicts of interest questions. For example, David Schnare, who is listed on the official transition team, is still identified as the General Counsel on the website of the E&E Legal Institute, which has sued the agency on both the Clean Power Plan and Waters of the United States rule (which is currently being weakened at the recent direction of the President).

According to the Office of Government Ethics (OGE) regulations,<sup>6</sup> there are several categories of employee who are subject to public financial disclosure requirements, including "Employees in positions which are excepted from the competitive service because of their confidential or policy-making character, unless the position has been excluded from the public financial disclosure requirements by the Director of the Office of Government Ethics."

Moreover, even if an employee is excluded from having to file public financial disclosures, OGE rules state that new entrant reports are required to be submitted by "An individual who has assumed the duties of a position for which public financial disclosure is required ("covered position"), unless the individual is expected to serve no more than 60 days in any single calendar year or unless the individual is transferring from one covered position to another without a break in service of more than 30 days." The Designated Agency Ethics Official (DAEO) would be expected to work to address any conflicts of interest that were revealed in those reports.

**Request:** We request that you provide the Committee with the following materials, along with monthly updates to these materials, until all political appointments to non-confirmed positions at EPA have been made:

<sup>3</sup> [https://www.epa.gov/sites/production/files/2014-02/documents/transparency\\_in\\_cpas\\_operations.pdf](https://www.epa.gov/sites/production/files/2014-02/documents/transparency_in_cpas_operations.pdf)

<sup>4</sup> <https://twitter.com/JunkScience>

<sup>5</sup> <https://greatagain.gov/agency-landing-teams-54916f71f462#.cjq5vn69r>

<sup>6</sup> <https://www.oge.gov/Web/278eGuide.nsf/2cf9ac792bc0654a85257ca1005f838a/b03cd8fb3320588b85257f450074047?OpenDocument> and <https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions-Officers+and+Employees+Subject+to+Public+Financial+Disclosure>

- A list of all individuals who have at any time served on the Trump EPA transition and/or beach-head teams, including members of the “broader action team” referenced in the E&E News article, along with their affiliation(s) prior to their appointments.
- For each individual who has served or expects to serve as a member of the EPA transition and/or beach-head teams for longer than 60 days, including individuals who are serving as consultants, contractors or experts, a copy of the new entrant report that was filed with the DAEO, any conflicts analysis that was prepared for the individual, and documentation detailing any recusals or other measures designed to mitigate such conflicts. If no such report, analysis or documentation was prepared, please explain why not.
- A list of all individuals who are serving in, or plan to serve in, non-confirmed political appointments at the EPA, along with their affiliation(s) prior to their appointments.
- For each individual who is currently serving in a non-confirmed political appointment, please provide a copy of the new entrant report that was filed with the DAEO, any conflicts analysis that was prepared for the individual, and documentation detailing any recusals or other measures designed to mitigate such conflicts. If no such report, analysis or documentation was prepared, please explain why not.

**5. Commit to Transparent and Timely Review of Freedom of Information Act (FOIA) Requests**

While you were Attorney General of Oklahoma, your office accumulated a significant backlog of Open Records Act requests from the media and public, and in some cases it took your office over two years to produce responsive documents.

**Request:** To ensure the EPA is responding to FOIA requests in a transparent and timely manner, we ask that you provide the Committee with a list of open FOIA requests submitted to EPA (and the date on which each was submitted) at the end of each month.

We very much appreciate your prompt attention to this matter. Thank you for your consideration of our requests. If you have any questions about these requests, please feel free to contact Michal Freedhoff at the Committee on Environment and Public Works at 202 224 8832.

Sincerely,



Tom Carper  
U.S. Senator



Bernard Sanders  
U.S. Senator



Sheldon Whitehouse  
U.S. Senator



Edward J. Markey  
U.S. Senator



Tammy Duckworth  
U.S. Senator



## Exhibit G



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

May 5, 2017

The Honorable John Barrasso  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Carper  
Ranking Member  
Committee on Environment  
and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chairman Barrasso, Ranking Member Carper,

I appreciate the opportunity to respond to a March 17, 2017 letter, to the U.S. Environmental Protection Agency, relating to use of personal messaging systems consistent with the requirements of the Federal Records Act and the Freedom of Information Act (FOIA). EPA's Records Policy applies equally to all staff, including the Administrator. I, of course, support the Agency's policy as it provides the foundation for the Agency's adherence to the Federal Records Act. I intend to continue the Agency's commitment to responsible federal records management, and to ensure that EPA's Records policy is updated as necessary.

The EPA Records Policy strongly discourages the use of non-official messaging systems by all Agency employees. If such use occurs, all employees have a short period of time by which they must send the record to their official EPA email account, consistent with the requirements of the Federal Records Act. At the EPA, all incoming political appointees are also required to take specific records training soon after they arrive at the Agency. The training addresses employee responsibilities under the Federal Records Act, email records management and related tools, text messaging records and mobile device management, the Freedom of Information Act, and agency policy concerning the use of non-governmental email accounts to conduct agency business, among other topics. As you may be aware, EPA's Office of Inspector General (OIG) is investigating allegations referenced in a February 14, 2017, letter from the House Committee on Science, Space, and Technology to the OIG. The matter relates to allegations of use of an encrypted messaging application by EPA career staff. It would not be appropriate to comment on an open OIG matter at this time, however EPA is also in communication with the National Archives and Records Administration, and takes this matter seriously.

The letter asks for information relating to my personal email account and requests that I correct the record regarding my response to a question asking whether I "conducted business" using that account. My response to that question stated that I used my official, state-provided email accounts and government-issued phones to conduct business. This response was based on the best

information available at the time and having only four days to complete approximately 1,100 written questions and subparts.

In response to the letter and to put to rest any other questions concerning this matter, a complete and exhaustive review of my personal email account was undertaken. Based on this exhaustive review, I have determined that a small portion of those emails may relate to state business as that term is understood either generically or under Oklahoma's Open Records Act. However, because I am no longer the Oklahoma Attorney General, I am in no position to make that determination. With this in mind, and although not required to do so, I have made *all* of my personal emails available to the Oklahoma Attorney General's office, including those that have no possible connection to state business, for review in responding to pending Open Records Act requests. To date, as has been reported, that office's review has not identified as responsive to Open Records Act requests any documents from my personal email account that were not already captured by the official Oklahoma Attorney General accounts.

I believe my original response to Senator Whitehouse's question for the record number 115 was and remains correct. But to prevent any possible confusion, I supplement my original response as follows:

115. Have you ever conducted business using your personal email accounts, nonofficial Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others you've used to conduct official business.

My practice is to conduct official business through official channels, including my state-provided email accounts. Under Oklahoma law, political matters must be transacted using personal email accounts. That includes emails concerning political matters that may arguably also touch on state business. Importantly, the Oklahoma Open Records Act makes no distinction between a state devices and personal devices for purposes of ensuring transparency of "conducting business." Elected officials oftentimes utilize a personal device so as to ensure that no state property is used to conduct political business, which is legally prohibited.

I make my best efforts to ensure that communications related to state business are copied or otherwise provided to official state systems. It is my understanding that the Attorney General's office will continue to search through the entirety of my personal email account as they work through the pending Open Records Act requests—including the more than 90 requests regarding my confirmation alone—to ensure any responsive and non-privileged records are provided. However, because I am no longer Attorney General, the office of the Oklahoma Attorney General must make the determination as to what, if any, communications constitute official business.

The letter also asked for information regarding the use of official Agency email accounts. The Agency maintains a primary email account to contact me, [pruitt.scott@epa.gov](mailto:pruitt.scott@epa.gov). EPA staff

have also established secondary accounts in the Agency's Outlook email system that are used for calendaring, scheduling, and internal communications. My staff is currently considering the best means to provide the public with the important information regarding my day-to-day activities and meetings on behalf of the Agency.

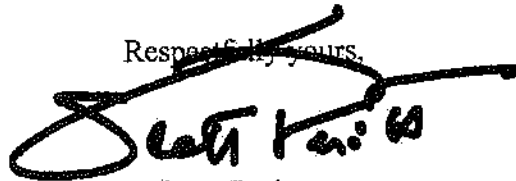
The letter also asked about the process the Agency follows to address public financial disclosure requirements. Pursuant to the Ethics In Government Act, 5 U.S.C. app, certain executive branch officials are required to file public financial disclosure reports (OGE-278). The Office of Government Ethics (OGE) established government-wide regulations that dictate who should file such reports and provide specific guidance about the release of such documents to the public. *See, e.g.*, 5 CFR § 2634.202 and § 2634.603. To request a public financial disclosure report, please fill out the OGE Form 201, provide the name(s) of the people whose reports you seek, and submit your request to EPA's ethics office at [ethics@epa.gov](mailto:ethics@epa.gov).

In addition, the letter asked about individuals serving at EPA in various capacities. A routinely updated directory of all current EPA staff is available on the Agency's website.

Finally, the letter also expressed an interest in a monthly report of open FOIA requests pending with EPA. Information concerning all FOIA requests filed with the Agency, including the date the request was filed and the request status, are available at any time through EPA's FOIA Online tracking system, at <https://foiaonline.regulations.gov/foia/action/public/search>.

Again, thank you for the opportunity to respond. If you have further questions, please contact me or your staff may contact Troy Lyons in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-4987 or [Lyons.Troy@epa.gov](mailto:Lyons.Troy@epa.gov).

Respectfully yours,



E. Scott Pruitt

cc:

Senator James M. Inhofe  
Senator Shelley Moore Capito  
Senator John Boozman  
Senator Roger Wicker  
Senator Deb Fischer  
Senator Jerry Moran  
Senator Mike Rounds  
Senator Joni Ernst  
Senator Dan Sullivan  
Senator Richard C. Shelby

Senator Benjamin L. Cardin  
Senator Bernard Sanders  
Senator Sheldon Whitehouse  
Senator Jeff Merkley  
Senator Kirsten Gillibrand  
Senator Cory Booker  
Senator Edward J. Markey  
Senator Tammy Duckworth  
Senator Kamala Harris

## Exhibit H

**Subject:** Testimony Q&A prep

**From:** Will Gattenby <will.gattenby@oag.ok.gov>

**Date:** 5/25/2016 7:49 PM

**To:** Scott Pruitt <esp@oag.ok.gov>

**CC:** Mike Hunter <mike.hunter@oag.ok.gov>, Lincoln Ferguson <lincoln.ferguson@oag.ok.gov>, Michelle Hale <michelle.hale@oag.ok.gov>, Johnny Moyer <johnny.moyer@oag.ok.gov>

GP – attached (and in your dropbox shortly) are a couple pages of prep material to consider for the Q&A portion of your testimony.

PW has contributed a significant portion, and CR has contributed on questions that may arise from the Open Records Act request.

-WG

---

**Will Gattenby**

Press Secretary

Oklahoma Attorney General Scott Pruitt

Direct: (405) 522-0166

Cell: (405) 291-0865

will.gattenby@oag.ok.gov



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Attachments:

House CPP Testimony - Q and A prep 5-26-16.docx

24.5 KB

Testimony Prep: House - Subcommittee on Environment

Thursday, May 26 at 9:30 AM ET

RE: Impact of Clean Power Plan on States

\*NOTE: Below are some general notes that PW thought would be helpful. Also below are:

- Notes from only other CPP hearing in this subcommittee
- Stats about CPP impact in Oklahoma and the country
- Potential questions & notes from opposing viewpoints re: CPP
- Potential Questions & Notes re: Open records Request from Takano

Other witnesses:

Charles McConnell, Executive Director of Energy and Environment Initiative at Rice University

Brianne Gorod, Chief Counsel for the Constitutional Accountability Center

*\*Committee staff estimates 10-12 committee members will be present (~4 w/ from minority)*

Summary of comments/facts of Subcommittee Members at a previous CPP hearing:

Suzanne Bonamici, Ranking Member (D-OR-01):

- Talking about impacts of climate change and cost if we do not address climate change
- Will try to make a point of the co-benefits of the Clean Power Plan and that Clean power Plan will be modest accompanied with long-term benefits

Alan Grayson (D-FL-09):

- Cites extensive studies in an attempt to disprove any estimates that CPP may increase costs or to discredit the research of anyone who did not consider the health benefits of CPP regulations

DID NOT ATTEND LAST HEARING ON CLEAN POWER PLAN:

Mark Takano (D-CA-41)

Donna Edwards (D-MD-04)

Ami Bera (D-CA-07)

Bill Foster (D-IL-11)

(From PW) - Additional notes that might be handy in response to questions:

The Rule violates anti-commandeering principles by forcing States and state officials to exercise their sovereign powers by revamping their utility sectors. Under the Rule, state actors will be the ones to account for the Rule's impact on electric reliability, 40 C.F.R. § 60.5745(a)(7), through such means as "[public utility commission] orders," 80 Fed. Reg. at 64,848, and "state measures" that make unregulated renewable energy generators "responsible for compliance and liable for violations" if they do not fill the gap, 40 C.F.R. § 60.5780(a)(5)(iii). Indeed, the Rule pushes substantial duties on even those States that "decline" to administer it. A federal plan's mandate to retire coal-fired plants or reduce their utilization (including by requiring the purchase of emissions allowances) would force state utility and electricity regulators to respond in the same way as if the State itself had ordered the retirements. Likewise, if EPA orders through a federal plan that power-plant owners construct new electric generating capacity, state officials will be forced to review siting decisions, grant permit applications, and issue certificates of public convenience for EPA's preferred generation sources and for the associated new transmission lines that EPA's transformation of the power sector will require.

And political accountability will be frustrated because it is these state officials who "will bear the brunt of public disapproval" for increased costs and lost jobs, because they appear to retain exclusive authority under state law over electricity generation but cannot regulate in accordance with the views of the local electorate.

EPA's response is simply to assert that no State action is required to implement the Rule. 80 Fed. Reg. at 64,881-82. But even under a federal implementation plan, state agencies will have to be involved in decommissioning coal-fired plants, addressing replacement capacity, addressing transmission and integration issues, and undertaking all manner of related regulatory proceedings.<sup>43</sup> See *id.* at 64,678; *supra* pp. 20-21. In fact, EPA's proposed federal plan expressly relies on state authorities to address reliability issues caused by the Rule. 80 Fed. Reg. at 64,981.

In short, while EPA makes much of the purported flexibility States have in implementing the Rule, see, e.g., 80 Fed. Reg. at 64,665, the Constitution requires the federal government to allow States the choice to "decline to administer the federal program," not a multitude of choices of how to administer the federal program.



### Stats about CPP and Impact on Oklahoma consumers

- Oklahoma's energy generation mix: Coal – 40%; nat gas – 38%; wind – 17%
- Choices available under CPP will cause OK to shutter coal-fired plants and will drastically increase costs for consumers
- Estimated to increase the typical household's annual electricity and natural gas bills by \$680, or 35%, by 2020, with costs only escalating each year thereafter as EPA regulations grow more stringent.
- Will hurt most vulnerable in our state the most – poor, single mothers, elderly, minorities
  - o Households earning less than \$10,000 per year already spend an astounding 60-80 percent of income on energy costs, and those earning \$10,000 to \$30,000 per year spend greater than 20 percent of their income on energy

### Potential Question re: Clean Power Plan

- 1) Has 111(d) ever been used "Outside-the-fence-line?"
  - a. Nothing even like this has ever occurred. It is truly an unprecedented approach
  - b. Even supporters of the CPP admit that the EPA is expanding their authority to regulate "outside-the-fence" where statutorily they are limited to "inside-the-fence" solutions
  - c. 5 rules have been developed within 111(d) since 1990 – not one, until now, has been an outside-the-fence regulation
- 2) Doesn't the CPP give states the ability to create their own plans to meet the goals and timelines of the CPP?
  - a. For states like Oklahoma – who are already a leader at renewable energy technology (Top 4 in wind production – 17%) – who already have clean air - how exactly are we supposed to meet the goals of CPP?
  - b. The EPA will reject our plan if we do not curtail fossil-fuel-generated electricity generation – if the plan does not meet the objective of their federal will – then will enforce a Federal Implementation Plan
  - c. If this is such a cooperative effort – why would they generate a FIP
    - i. Sounds like the proverbial gun to the head
  - d. Example: regional haze rule

**3) Is CPP consistent with the 10<sup>th</sup> Amendment?**

- a. Less about 10<sup>th</sup> amendment -- more about the a case of statutory construction
- b. That conversation shouldn't be a novel idea
- c. Flexibility should be key in implementation of EPA goals -- with CPP that is not the case.

**4) Do you recognize man-made climate change? Is it a problem anywhere in the world?**

- a. My job is as the chief legal officer of Oklahoma, not to debate the policy merits of the climate change or whether it should be addressed.
- b. Process matters and the ways

**5) What is Oklahoma doing at the local level to address carbon pollution and climate change?**

- a. Oklahoma has engaged in robust balancing effort (wind -- 17%)
- b. BUT... question of whether or not Oklahoma is addressing climate change is not an issue for the EPA to decide unless Congress gives them the authority to do so
- c. That has not happened.

**Questions re: Oklahoma Open Records Act request (input from CR):**

**1) Why haven't you given me the docs I requested?**

- a. According to the Oklahoma Open Records Act, which is what you have requested records under, agencies can establish reasonable procedures in responding to requests
- b. My office handles requests numerous requests from citizens, the press and law firms. To ensure fairness, we handle those in the order they come in.
- c. We have placed your request in line and will respond when it has been completed.
- d. Your request gave us an arbitrary 3 business days to respond, BUT
- e. OK Law only requires prompt, reasonable access -- does not mandate arbitrary deadlines like the one you have set

- 2) The New York Times cites multiple letters where oil and gas executives provided draft letters and you submitted them on their behalf. Is this true?
- a. My Office receives numerous requests from citizens, state agencies and various industries to sign-on to letters, amicus briefs, multistate litigation and comments to proposed rules.
  - b. We research the issue at hand and the law pertaining to the matter, and if it aligns with the interests of the citizens and state of Oklahoma, we then determine the level of participation.
  - c. We decline the majority of the requests we receive – BUT it is the content of the request not the source of the request that matters.

- 3) Do you think that behavior is appropriate? Was it a mistake for her to be involved in this matter?

- a. It is my job to defend the interests and well-being of the citizens and state of Oklahoma
- b. Energy sector is a major driver of the Oklahoma economy
  - i. 4<sup>th</sup> in natural gas production in 2013
  - ii. 5<sup>th</sup> in crude oil production in 2013.
  - iii. thousands of jobs
  - iv. hundreds of millions of dollars in tax revenue for the state.
- c. FRANKLY - Energy industry has been targeted unfairly by this administration through unlawful and overly burdensome regulations.

- 4) ALSO

- a. My office seeks input from the energy industry to determine real-life harm stemming from proposed federal regulations or actions.
- b. This even helps bolster the chance of success of a lawsuit.
- c. When the impact is confirmed and the legal and practical interests align, my office has often taken action.

**Testimony Prep: House – Subcommittee on Environment**

**Thursday, May 26 at 9:30 AM ET**

**RE: Impact of Clean Power Plan on States**

**\*NOTE:** Below are some general notes that PW thought would be helpful. Also below are:

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Charles McConnell, Executive Director of Energy and Environment Initiative at Rice University

Brianne Gorod, Chief Counsel for the Constitutional Accountability Center

*\*Committee staff estimates 10-12 committee members will be present (~4 w/ from minority)*

**Summary of comments/facts of Subcommittee Members at a previous CPP hearing:**

Suzanne Bonamici, Ranking Member (D-OR-01):

- Talking about impacts of climate change and cost if we do not address climate change
- Will try to make a point of the co-benefits of the Clean Power Plan and that Clean power Plan will be modest accompanied with long-term benefits

Alan Grayson (D-FL-09):

- Cites extensive studies in an attempt to disprove any estimates that CPP may increase costs or to discredit the research of anyone who did not consider the health benefits of CPP regulations

**DID NOT ATTEND LAST HEARING ON CLEAN POWER PLAN:**

Mark Takano (D-CA-41)

Donna Edwards (D-MD-04)

Ami Bera (D-CA-07)

Bill Foster (D-IL-11)

(From PW) - Additional notes that might be handy in response to questions:

The Rule violates anti-commandeering principles by forcing States and state officials to exercise their sovereign powers by revamping their utility sectors. Under the Rule, state actors will be the ones to account for the Rule's impact on electric reliability, 40 C.F.R. § 60.5745(a)(7), through such means as "[public utility commission] orders," 80 Fed. Reg. at 64,848, and "state measures" that make unregulated renewable energy generators "responsible for compliance and liable for violations" if they do not fill the gap, 40 C.F.R. § 60.5780(a)(5)(iii). Indeed, the Rule pushes substantial duties on even those States that "decline" to administer it. A federal plan's mandate to retire coal-fired plants or reduce their utilization (including by requiring the purchase of emissions allowances) would force state utility and electricity regulators to respond in the same way as if the State itself had ordered the retirements. Likewise, if EPA orders through a federal plan that power-plant owners construct new electric generating capacity, state officials will be forced to review siting decisions, grant permit applications, and issue certificates of public convenience for EPA's preferred generation sources and for the associated new transmission lines that EPA's transformation of the power sector will require.

And political accountability will be frustrated because it is these state officials who "will bear the brunt of public disapproval" for increased costs and lost jobs, because they appear to retain exclusive authority under state law over electricity generation but cannot regulate in accordance with the views of the local electorate.

EPA's response is simply to assert that no State action is required to implement the Rule, 80 Fed. Reg. at 64,881-82. But even under a federal implementation plan, state agencies will have to be involved in decommissioning coal-fired plants, addressing replacement capacity, addressing transmission and integration issues, and undertaking all manner of related regulatory proceedings.<sup>43</sup> See *id.* at 64,678; *supra* pp. 20-21. In fact, EPA's proposed federal plan expressly relies on state authorities to address reliability issues caused by the Rule. 80 Fed. Reg. at 64,981.

In short, while EPA makes much of the purported flexibility States have in implementing the Rule, see, e.g., 80 Fed. Reg. at 64,665, the Constitution requires the federal government to allow States the choice to "decline to administer the federal program," not a multitude of choices of how to administer the federal program.

**Stats about CPP and Impact on Oklahoma consumers**

- Oklahoma's energy generation mix: Coal – 40%; nat gas – 38%; wind – 17%
- Choices available under CPP will cause OK to shutter coal-fired plants and will drastically increase costs for consumers
- Estimated to increase the typical household's annual electricity and natural gas bills by \$680, or 35%, by 2020, with costs only escalating each year thereafter as EPA regulations grow more stringent.
- Will hurt most vulnerable in our state the most – poor, single mothers, elderly, minorities
  - Households earning less than \$10,000 per year already spend an astounding 60-80 percent of income on energy costs, and those earning \$10,000 to \$30,000 per year spend greater than 20 percent of their income on energy

**Potential Question re: Clean Power Plan**

- 1) Has 111(d) ever been used "Outside-the-fence-line?"
  - a. Nothing even like this has ever occurred. It is truly an unprecedented approach
  - b. Even supporters of the CPP admit that the EPA is expanding their authority to regulate "outside-the-fence" where statutorily they are limited to "inside-the-fence" solutions
  - c. 5 rules have been developed within 111(d) since 1990 – not one, until now, has been an outside-the-fence regulation
- 2) Doesn't the CPP give states the ability to create their own plans to meet the goals and timelines of the CPP?
  - a. For states like Oklahoma – who are already a leader at renewable energy technology (Top 4 in wind production – 17%) – who already have clean air – how exactly are we supposed to meet the goals of CPP?
  - b. The EPA will reject our plan if we do not curtail fossil-fuel-generated electricity generation – if the plan does not meet the objective of their federal will – then will enforce a Federal Implementation Plan
  - c. If this is such a cooperative effort – why would they generate a FIP
    - i. Sounds like the proverbial gun to the head
  - d. Example: regional haze rule

**3) Is CPP consistent with the 10<sup>th</sup> Amendment?**

- a. Less about 10<sup>th</sup> amendment – more about the a case of statutory construction
- b. That conversation shouldn't be a novel idea
- c. Flexibility should be key in implementation of EPA goals – with CPP that is not the case.

**4) Do you recognize man-made climate change? Is it a problem anywhere in the world?**

- a. My job is as the chief legal officer of Oklahoma, not to debate the policy merits of the climate change or whether it should be addressed.
- b. Process matters and the ways

**5) What is Oklahoma doing at the local level to address carbon pollution and climate change?**

- a. Oklahoma has engaged in robust balancing effort (wind – 17%)
- b. BUT... question of whether or not Oklahoma is addressing climate change is not an issue for the EPA to decide unless Congress gives them the authority to do so
- c. That has not happened.

**Questions re: Oklahoma Open Records Act request (input from CR):**

**1) Why haven't you given me the docs I requested?**

- a. According to the Oklahoma Open Records Act, which is what you have requested records under, agencies can establish reasonable procedures in responding to requests
- b. My office handles requests numerous requests from citizens, the press and law firms. To ensure fairness, we handle those in the order they come in.
- c. We have placed your request in line and will respond when it has been completed.
- d. Your request gave us an arbitrary 3 business days to respond, BUT
- e. OK Law only requires prompt, reasonable access – does not mandate arbitrary deadlines like the one you have set

- 2) The New York Times cites multiple letters where oil and gas executives provided draft letters and you submitted them on their behalf. Is this true?
- a. My Office receives numerous requests from citizens, state agencies and various industries to sign-on to letters, amicus briefs, multistate litigation and comments to proposed rules.
  - b. We research the issue at hand and the law pertaining to the matter, and if it aligns with the interests of the citizens and state of Oklahoma, we then determine the level of participation.
  - c. We decline the majority of the requests we receive – BUT it is the content of the request not the source of the request that matters.

- 3) Do you think that behavior is appropriate? Was it a mistake for her to be involved in this matter?

- a. It is my job to defend the interests and well-being of the citizens and state of Oklahoma
- b. Energy sector is a major driver of the Oklahoma economy
  - i. 4<sup>th</sup> in natural gas production in 2013
  - ii. 5<sup>th</sup> in crude oil production in 2013.
  - iii. thousands of jobs
  - iv. hundreds of millions of dollars in tax revenue for the state.
- c. FRANKLY - Energy industry has been targeted unfairly by this administration through unlawful and overly burdensome regulations.

- 4) ALSO

- a. My office seeks input from the energy industry to determine real-life harm stemming from proposed federal regulations or actions.
- b. This even helps bolster the chance of success of a lawsuit.
- c. When the impact is confirmed and the legal and practical interests align, my office has often taken action.



Subject: KOKC interview tomorrow  
From: Lincoln Ferguson <lincoln.ferguson@oag.ok.gov>  
Date: 10/5/2016 4:01 PM  
To: Scott Pruitt <esp@oag.ok.gov>

GP -

Want to make sure you are up to speed for tomorrow morning's interview. The majority of the time will be spent discussing federal overreach (Clean Power Plan, DOL, ICANN).

You will also discuss the latest round of Safe Oklahoma Grant recipients (OCPD being one of them). We are sending a press release on the latest grant tomorrow, so this will be the first the public has heard of the latest recipients. I have included a list of recipients on your talking points, but I thought you could use the interview to "announce" to the listeners that OKC and several surrounding communities were selected for the award.

Thanks,  
LF

---

Lincoln Ferguson  
Press Secretary  
Oklahoma Attorney General Scott Pruitt  
Direct: (405) 522-2283  
Cell: (405) 250-8792  
[lincoln.ferguson@oag.ok.gov](mailto:lincoln.ferguson@oag.ok.gov)



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- Attachments:

AG Pruitt Awards Safe Oklahoma Grants 4-10-15.docx

15.2 KB

Radio Interview – KOKC with Trebor Worthen

Thursday, 10/6 @ 8:00am CST (18 min.)

Call-in: (405) 478-1520

Topics: Fedreal Overreach, Lawsuits, Safe Oklahoma Grant

Clean Power Plan –

- Was in DC last week to attend oral arguments – full day
- OK has devoted substantial resources to the constitutional questions
- SCOTUS granted a stay last February – halting implementation of the plan
  - Appeals court expected to rule by the end of the year
- EPA wants to reduce power plant carbon dioxide emissions by 32 percent from 2005 by 2030.
  - Impacts consumers in a very personal way
  - OK has already made strides, without heavy hand of the EPA
  - Standards will drive up electric rates, threaten the power grid and create economic havoc
- Scalia's final decision from the bench

DOL Overtime –

- OK is one of 21 states challenging the new overtime rule.
- Not arguing the policy discussion – that is ongoing at Congressional and state levels through meaningful debate.
- President is stopping the debate by imposing his own policies – arbitrarily and unlawfully.
  - Does not have authority to dictate to OK or any state how they budget state employees salaries.
- Detrimental to working families:
  - Face increased hardships: reduced hours, slashed salaries, unrecognized overtime
- Ultimately costs Americans their jobs and states millions of dollars.

## ICANN Lawsuit

- Oklahoma, Arizona, Nevada and Texas filed lawsuit challenging the Obama administration's decision to hand over Internet control to an independent, private organization.
- *Here's why:*
  - 1) Violates the Property Clause of the U.S. Constitution
    - By giving away government property without Congressional authorization
  - 2) Violates the First Amendment of the U.S. Constitution
    - By allowing a private corporation to effectively provide or deny access to large blocks of the Internet, the Freedom of Speech is no longer guaranteed.
  - 3) Violates the Administrative Procedure Act
    - APA has a requirement that the public be given notice and the opportunity to comment prior to the government taking such actions.
- In today's age, the Internet is a critical state infrastructure used to communicate with and provide services to citizens
  - State domains (.gov)
- What is at stake cannot be understated:
  - Like the printing press before it, the Internet has been one of the greatest instruments of free speech and the exchange of ideas in history.
- The President's decision cedes control of this infrastructure to an opaque body subject to international control.
  - This comes at a time when cyber security remains a great threat to our country.
  - Vital that the management and control of the Internet remains in U.S. hands
- How it worked before Oct. 1:
  - The Internet Corporation for Assigned Names and Numbers (ICANN) was overseen by the U.S. Commerce Department.
  - ICANN is now fully independent -- current contract expired 9/30.
  - ICANN now will manage core Internet infrastructure without any direct oversight.
- *What's next:*
  - OK, AZ, NV, TX lawsuit sought declaratory or injunctive relief -- denied by U.S. District Court in Southern District of Texas.
  - States looking at possible next steps.

- Evaluating whether the “bell can be un-rung”
- If we think we can unravel what has already been done, we will continue to pursue.
- Its business as usual for the Obama Administration – continue to undermine the rule of law and make unlawful decisions.

### Safe Oklahoma Grant

- Just notified recipients of the grant this week – this is the second round of 2016 grants.
- Announcing for the first time this morning – we were able to provide an additional \$1.4 million to law enforcement agencies across the state:
  - In the OKC metro area: *OKCPD – more than \$700,000, Moore PD, Blanchard PD, Newcastle PD, Spencer PD, Minco PD – as well as others around the state.*
  - Provides additional funding for law enforcement agencies
    - Assist in reducing and preventing violent crimes in cities/towns across OK
    - Evidence-based practices and deployment tactics
    - Neighborhood targeting
    - Community partnerships
  - Some of the factors considered during grant review: violent crime rate, usage of grant funds, and demonstration of need.
- During a difficult budget year, these funds help ease the burden on our law enforcement agencies and help ensure our communities continue to grow safer.
- Excited about this list of awardees – both urban and rural – large and small – all making Oklahoma a safe place for our children and families.

### Recent issues in the media:

- OK Supreme Court abortion ruling;

*"It is disappointing that the Oklahoma Supreme Court would come to this conclusion. Designed to better protect the health and safety of women, the State Legislature passed this law on the heels of a local abortion provider's arrest for prescribing abortion-inducing drugs to women who were not actually pregnant. This law would have given law enforcement the ability to more easily prosecute sexual assaults of children that are discovered when a child under 14 has an abortion. The Attorney General's Office remains committed to defending laws aimed at protecting the safety and well-being of Oklahoma women."*

◆ OAG Audit:

*"The state auditor's office conducted the audit with diligence and professionalism. I appreciate the efforts expended by the auditor's office, working closely with my staff, to ensure an independent review and assessment of agency operations, confirming that state dollars are being collected, managed, and dispersed appropriately. Both recommendations in the operational audit report have already been addressed and resolved."*

## Exhibit I

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## House Appropriations Subcommittee on Interior, Environment and Related Agencies Holds Hearing on the EPA Fiscal 2018 Budget

[Excerpt]

MCCOLLUM:

Well, I'll call you if I don't think I'm getting a timely response. Another thing that's just been in the news and I'm sure -- well, I'm not sure -- I know you saw if that there were reports that you failed disclose e-mail account that you had while you were attorney general, the one at esp@oklahomaag.gov.

And it's kind of distressing because at your hearing you said you only had two e-mail addresses and now this third one came forward. So **you weren't completely accurate at the time**. And Senator Whitehouse said that you had several opportunities to correct the record on your e-mails. He -- in fact, he has a letter, which I'm submitting for the record, that goes on to say, "Since your (ph) public disclosure of your e-mails that Congress is learned of your relationships with energy companies that now regulate the EPA."

So, I want to, for the record and you can get back to us asking what you're using for e-mail addresses as EPA administrator, what other forms of electronic communication that you're using because I want to build a level of trust between all of us. So, that ...

PRUITT:

If I may, both in my oral testimony as well as in -- there's a letter actually that's submitted to EPW in May that recognized multiple states e-mail accounts. So, there's been a consistency there that the representations that you're citing are not accurate. So, we have informed the committee that was consistent with my oral testimony. We will provide you information about the current activities as well.

MCCOLLUM:  
Great . . .

## Exhibit J



Open Records Act Open Files UPDATED 6/15/2017

#	ORA #	Media	Date of Request	Requester	Requester's Question	Response Date	Status	Notes	Search Agency
1	16 ORA 73	Media	12/7/2016	[REDACTED]	All letters from AG Pruitt to the EPA - Jan 10, 2011 - present.	12/8/2016	pending		
2	16 ORA 75	Media	12/7/2016	[REDACTED]	All emails from 2011-2016 to and from AG re: EPA, Environmental Protection Agency and climate change - Narrowed to 12/8/15 thru 12/8/16	12/8/2016	Pending		
3	16 ORA 77	Media	12/6/2016	[REDACTED]	General Pruitt's schedule from 12-1-15 to Dec 8-16, and all the transportation costs he incurred over the last two years.	12/9/2016	Pending		
4	16 ORA 80	Media	12/6/2016	[REDACTED]	documents from 2013 to 2016 in re. dlm.com, etc.	12/9/2016	Pending	TV spoke to requester. He will accept copies of the Lipson and CMD productions. Mailed CD with Lipson 6/12/2017. Will send CMD asap	
5	16 ORA 83	Media	12/9/2016	[REDACTED]	Correspondence between OAG & the EPA during his tenure. I am also requesting any email correspondence between AG Pruitt & his chief of staff with Devon Energy during his tenure. Any & all 2014 emails from Pruitt, his chief of staff, common team, using search terms "New York Times" and "Lipson"	12/13/2016	Pending		
6	16 ORA 84	Media	12/12/2016	[REDACTED]	All written and electronic communications between the OK AG's Office and the U.S. Chamber of Commerce & all of its affiliates, including the Inst. for Legal Reform, the Inst. For 21st Century Energy, & the U.S. Chamber Litigation Center from Jan. 10, 2011 to present. All records of meeting and phone calls between the OK AG's Office and the U.S. Chamber & all of its affiliates, including Inst. for Legal Reform, the Inst. for 21st Century Energy, & the U.S. Chamber Litigation Center from Jan. 10, 2011 to present. Meeting/phone call records should include participants, date, location, and topics discussed.	12/13/2016	Pending		
7	16 ORA 85		12/12/2016	[REDACTED]	Email: Cor between AG and staff and various email address listed in request.	12/13/2016	Pending		
8	16 ORA 86		12/13/2016	[REDACTED]	email corr. to and from AG that contain the word "egg" or "777" or "farm bureau" or "hursana" sent to OR from the following individuals or email domains from 1-1-14-May 31, 2014: @humanewatch.org, Rick Bernhart, @consumerfreedom.com, Tom Bluchman	12/13/2016	Pending		

#	Case #	Topic	Date of Request	Requester	Request Description	Response Date	Status	Notes	Search Copy
9	16 ORA 88		12/9/2016		email communications as well as any related attachments to and from AG sent to or from the following individuals from January 1, 2011 - December 8, 2016: Jessica Medeiros Gairison, Pam Bondi, Bill Schuette, Luther Strange, Alan Wilson, Sam Olens, Tim Fox, Patrick Murray, Sean Royce, Sam LaSalle, Joshua Hawley, Cynthia Coffman, Leslie Rutledge, Scott Will, Seth Wimer, Robert Simpson. email as well as any related attachments to and from AG sent to or from the following domains from January 1, 2011-December 8, 2016: @dvm.com, @koozhd.com, @tronsent.com, @americandaily.com, @americanfidelityville.com, @ardenthealth.com, @airp.com, @p66.com, @crack.com, @ardfool.com, @evxomeshl.com, @oge.com, @spectraenergy.com, @alphamr.com	12/13/2016	Pending		
10	16 ORA 89		12/9/2016		email communications as well as any related attachments to and from AG sent to or from the following domains from January 1, 2011-December 8, 2016: @sanddgenenergy.com, @capstone-energy-services.com, @stik.com, @republicansg.com, @ou.edu, Clay Bennett, Tom L Ward, Aubrey McClendon	12/13/2016	Pending		
11	16 ORA 90		12/9/2016		email communications as well as any related attachments to and from AG sent to or from the following domains from January 1, 2011-December 8, 2016: @mail.house.gov, @inhome.sestate.gov, @rep.pt.gov, @doraldutrp.com	12/13/2016	Pending		
12	16 ORA 91		12/9/2016		email communications as well as any related attachments to and from AG that contain the word or phrase "earthquake" or "seismic" or "geological" or "OGS" or "local seal" or "Bokoshe" or "Making Money Having Fun" or "MHHF" or "Shady Point" or "AES" or "fracking" or "hydraulic fracturing"	12/16/2016	Pending		
13	16 ORA 94		12/15/2016		meeting and correspondence with Harold Hanna and IOGCC	12/16/2016	Pending		
14	16 ORA 95	Media	12/15/2016		emails from Pruitt sent to OR from 2011-2016	12/19/2016	Pending		
15	16 ORA 96		12/19/2016		All Communication between the AG Office and BOK Financial Corp, etc.	12/19/2016	Pending		
16	16 ORA 97	Media	12/19/2016		All documents related to communication between AG & Exxon Mobile Energy Corp, etc.	12/19/2016	Pending		
17	16 ORA 98	Media	12/19/2016			12/21/2016	Pending		

#	Case #	Case Title	Requester	Request/Response	Response Letter	Status	Notes	Service Fee
18	16 ORA 99	Media		A copy of data dictionaries, code books, or any other documents that show available fields for the database used by the Attorney General's Office to track litigation.	12/20/2016	Pending		
19	16 ORA 100	Media		Copies of emails, texts, notes, or memos sent or received by the attorney general, any deputy attorney general, chief of staff or press staff between Jan 10, 2011, and Feb 31, 2011 concerning the environmental protection unit.	12/20/2016	Pending		
20	16 ORA 101	Media		Any emails, notes, memos, or texts sent or received by press/media staff concerning the environmental protection unit or Reuters. The time frame is Dec. 7, 2016 until current.	12/20/2016	Pending		
21	16 ORA 102	Media		Any emails, notes, memos, or texts sent or received by the Attorney General, any deputy attorney general, chief of staff or media/press staff concerning the New York Times, Devon, Chesapeake or Eric Lipton. The time frame is Dec. 3, 2014 through Dec. 8, 2014.	12/20/2016	Pending		
22	16 ORA 103	Media		Copies of any and all documents in and/or from Trump and EPA and Superfund emails.	12/21/2016	Pending		
23	16 ORA 104	Media		All correspondence between AG & Ebsel, Bannan, Kusner, Gov. Christie, Phebus, Trump and Sen Sessions.	12/21/2016	Pending		
24	16 ORA 105	Media		All email from AG's private accounts transmitted in the conduct of business, etc.	12/22/2016	Pending		
25	16 ORA 106	Media		All emails between AG offices and John Guardo, Act for America, etc.	12/23/2016	Pending		
26	16 ORA 112	Media		AG's schedule, expenses and ORA log.	12/30/2016	Pending		
27	16 ORA 113	Media		Communications between AG office and any individual affiliated with and/or employed by Jeb Bush's campaign.	1/4/2017	Pending		
28	16 ORA 114	Media		Communications between AG office and any individual affiliated with and/or employed by Donald Trump.	1/4/2017	Pending		
29	16 ORA 115	Media		emails, etc. between the Office of the AG & U.S. EPA communications between Offices of the AG and anyone employed by several companies.	1/4/2017	Pending		
30	16 ORA 116	Media		Records that document AG Pruitt's schedule.	1/4/2017	Pending		
31	16 ORA 117	Media		Records that pertain to RAG&A & RLDJ, Patrick Wyrick, schedules, memos, etc.	1/5/2017	Pending		
32	17 ORA 1	Media				Pending		

#	Case No.	Topic	Date of Request	Requester	Records Requested	Response Letter	Status	Notes	Search & Entry Fee
33	17 ORA 2	Media	1/3/2017		RUDE documents for AG Tom Gruber & Mike Hunter emails, attachments, agendas, briefing books, memos, etc.	1/5/2017	Pending		
34	17 ORA 3		1/2/2017		Correspondence between AG office and several ExxonMobil and others	1/5/2017	Pending		
35	17 ORA 4		1/2/2017		Copies of agency records maintained by the AG office between AG and his staff and Raps Calvey, Filze, or Kennedy	1/5/2017	Pending		
36	17 ORA 5	Media	1/2/2017		Log of ORA and responses	1/5/2017	Pending		
37	17 ORA 5	Media	1/6/2017		All litigation finance agreement or contingency fee arrangements agreed to by the office of the Attorney General in the last seven years.	1/9/2017	Pending		
38	17 ORA 7		1/11/2017		Any contract or agreements with Baker Hosteler or its attorneys & records of payments. Any con with Paul Selby, Marlan Larsen, or Selby Larsen and others.	1/17/2017	Pending		
39	17 ORA 9	Media	1/12/2017		Copies of all written communications including emails and letters, between AG Pruitt (or any representative of the AGO) and Harold Heman (or any rep of Continental Resources) between Jan 1, 2011 and present. Also, copies of all Mr. Pruitt's meeting logs during the same time period.	1/17/2017	Pending		
40	17 ORA 10		1/12/2017		All records regarding 27 companies, Tyson Foods, Oklahoma Park Council, Cal-Maine Foods, etc.	1/17/2017	Pending		
41	17 ORA 11		1/12/2017		All records for list of cases back to 2004	1/17/2017	Pending		
42	17 ORA 12		1/12/2017		All records regarding environmental enforcement actions including with other agencies back to 1/1/85	1/17/2017	Pending		
43	17 ORA 13		1/12/2017		statistics or reports of environmental enforcement actions taken yearly from 1995-present	1/17/2017	Pending		
44	17 ORA 14		1/13/2017		records of complaints and depiction of violations of Oklahoma's Environmental Quality Act	1/17/2017	Pending		
45	17 ORA 17		1/12/2017		All correspondence office sent to or received from any tribe, tribal entity, or tribal trade name re: consumer on-line lending	1/18/2017	Pending		
46	17 ORA 23	Media	1/25/2017		All email records sent or received by Attorney General Scott Pruitt that contain the words "Trump" or "Donald Trump". Requesting only email records that were sent or received between 6/1/2015-1/1/2016.	1/25/2017	Pending	See 17 ORA 33	

#	Requester	Topic	Request Date	Requester	Request Description	Request Status	Request Date	Request Status	Notes	Source/ Copy
47	17 ORA 24	Media	1/25/2017		All email records sent or received by Attorney General Scott Pruitt that contain... any of the following terms: Dakota Pipeline, Dakota Access Pipeline, or Dakota XL Pipeline.	Pending	1/29/2017		See 17 ORA 34	
48	17 ORA 25	Media	1/25/2017		All email records sent or received by Attorney General Scott Pruitt that contain "Tillerson" or "Sax Tillerson"	Pending	1/29/2017		See 17 ORA 35	
49	17 ORA 26	Media	1/25/2017		responses to Questions for the Record (QFR) sent to the Senate Environment and Public Works Committee on behalf of Attorney General Pruitt from Nov. 8, 2015	Pending	1/29/2017			
50	17 ORA 28	Media	1/27/2017		Records and any relevant receipts of AGs out of pocket spending reimbursement.	Pending	1/27/2017			
51	17 ORA 31	Media	2/1/2017		All key card/swipe card records of the AG from 1/11/16 thru 1/31/17; AGs calendar from 1/11/16 thru 1/31/17; Inshesheis for AG for same period.	Pending	2/1/2017		TW spoke to requester. Just wants AGs calendar from 1/11/16 thru 1/31/17. Understands the rest of info not kept.	
52	17 ORA 32		2/1/2017		A list of all pending ORA requests, by whom and when each was filed.	Pending	2/2/2017			
53	17 ORA 33	Media	1/31/2017		All email records sent or received by Attorney General Scott Pruitt that contain the words "Trump" or "Donald Trump". Requesting only email records that were sent or received between 6/1/2015-1/1/2016.	Pending	2/9/2017		See 17 ORA 23	
54	17 ORA 34	Media	1/31/2017		All email records sent or received by Attorney General Scott Pruitt that contain any of the following terms: Dakota Pipeline, Dakota Access Pipeline, or Dakota XL Pipeline. Requesting only records that were sent or received between 6/24/2014-1/1/2016.	Pending	2/9/2017		See 17 ORA 24	
55	17 ORA 35	Media	1/31/2017		All email records sent or received by Attorney General Scott Pruitt that contain "Tillerson" or "Sax Tillerson". Requesting only records that were sent or received between 1/1/2015-1/1/2016.	Pending	2/9/2017		See 17 ORA 25	
56	17 ORA 37	Media	2/10/2017		Records responsive to ORA requests filed by the Center for Media and Democracy for January 2015 to December 2016.	Pending	2/14/2017			
57	17 ORA 38	Media	2/13/2017		All emails rec. by Patrick Wyrick re Justice Taylor, the Judicial nominating comm. The Ohio Sup. Ct and/or voter/education fund for a period of Jan. 1, 16, etc.	Pending	2/14/2017			
58	17 ORA 39	Media	2/14/2017		All email records from or sent to ddgroup.com, proelindgarnettanrow.org, etc.	Pending	2/21/2017			
59	17 ORA 40		2/18/2017		All records regarding Charles Rogers' powerpoint presentation on "Following County Purchasing Procedures"	Pending	3/1/2017			



#	Requester	Media	Date of Request	Requester	Request Description	Requester Initials	Status	Notes	Search & Copy Fee
60	17 ORA 41	Media	2/16/2017		All of Scott Pruitt's emails	3/30/2017	Pending		
61	17 ORA 42		2/17/2017		Responsive records to CMD's requests	3/30/2017	Pending		
62	17 ORA 43		2/21/2017		CMD production for 2/21/2017	3/30/2017	Pending		
63	17 ORA 46		2/28/2017		Copies of all available emails exchanged between officials of OAG and email addresses affiliated with the Rule of Law Defense Fund and the RACGA between 1/1/15 and 2/28/17	3/1/2017	Pending		
64	17 ORA 50	Media	3/14/2017		Full report of all outside attorneys hired by the OAG since 2010		Pending		
65	17 ORA 51		3/14/2017		written communication both internally and externally sent or received by the Attorney General or any staff member in the Office of the Attorney General, including instances in which the relevant party was only carbon copied ("CC") regarding the Information Request for Existing Oil and Gas Facilities, EPA ICR No. 2548-01 at any point since, and including, October 1, 2016.	4/4/2017	Pending		
66	17 ORA 52	Media	3/16/2017		Coord between Scott Pruitt and Rep Markwayne Mullin, Sen. Inhofe, Justin Savage, RMP Coelition, or any of a list of organizations between 11/9/16 and 2/17/2017 discussing EPA's Risk Management plan Rule. (see request)	4/4/2017	Pending		
67	17 ORA 54	Media	3/17/2017		Any emails to/from OAG and wayne.tracker@exxonmobil.com between 11/01/1 and 2/17/2017	4/4/2017	Pending		
68	17 ORA 57	Media	3/22/2017		Any emails to/from or mentioning wayne.tracker@exxonmobil.com between 9/15/2015 and 2/17/2017	4/4/2017	Pending		
69	17 ORA 60	Media	4/4/2017		Communications between AG Pruitt & Chief of Staff and direct reports and schedulers & any of the following: David Schriate, Justin Schwab, Doug Erickson, Holly Greaves, George Sugiyama, David Krutzer, Charles Minoz, Don Barton, Patrick Davis, Layne Bangelder, John Konkus, Ryan Jackson, Byron Brown, and Sarahaha Davis. 1/1/2014-present	4/18/2017	Pending		
70	17 ORA 61	Media	4/4/2017		All records that pertain to the Rule of Law Defense Fund Congressional Leadership event on 3/28/2017. Scope: AG, Chief of Staff, direct reports and schedulers from 2/2017 - present	4/18/2017	Pending		

#	Case #	Media	Date of Request	Requester	Records requested	Response Letter	Status	Notes	Search & copy fee
71	17-ORA-62	Media	4/4/2017	[REDACTED]	All records that pertain to RAGA and RLDF from 2/20/17 - present. Scope: AG, Chief of Staff, direct reports and schedulers. All records that pertain to the following: E3, E, Legal Inst., Free Market Environmental Law Clinic, Craig Richardson, Tom Tanton, Arty Oliver Cooke, Kelly Games, Christopher Horner, Kevin Maris, Steve Millow, Jenna Ashley Robinson, George Taylor and Greg Walcher, David Sanders, Chaim Mandelbaum, Matthew Hardin, Francis Menton, William Wray, David McLaughlin and Brady Toensing.	4/18/2017	Pending		
72	17-ORA-63	Media	4/4/2017	[REDACTED]	All communications sent to and from this office from March 1, 2017 thru March 31, 2017; referencing or mentioning the following terms: "Republican Attorneys General Association," "RAGA," "Incumbent," "Incumbency," "Incumbency rule."	4/18/2017	Pending		
73	17-ORA-64	Media	4/13/2017	[REDACTED]	Copies of all emails, memos, or letters sent or received by former Attorney General Scott Pruitt and his executive staff from April 13, 2013 to Feb. 17, 2017 describing or referring to the U.S. EPA regulation, "Accidental Releases Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(O)(7)." Former Attorney General Pruitt sent a letter to the US EPA regarding the regulation on July 27, 2016.	4/24/2017	Pending		
74	17-ORA-69	Media	5/24/2017	[REDACTED]	All emails exchanged from May 8, 2017 through May 24, 2017 between Attorney General's Office employees/officials, including Attorney General Mike Hunter, and all employees, or lobbyists, for the Oklahoma Independent Petroleum Association, Oklahoma Oil and Gas Association, Devon Energy Corporation, Continental Resources, Chesapeake Energy Corporation.	5/26/2017	Pending		
75	17-ORA-71	Media	5/25/2017	[REDACTED]	I am requesting the following records: all correspondence from Attorney General Scott Pruitt's office that mentions TransCanada, including all correspondence regarding the Amicus brief dated May 9, 2016, TransCanada Keystone Pipeline LP v. Kerry et al.	6/26/2017	Pending		
76	17-ORA-74	Media	5/25/2017	[REDACTED]	Any and all emails and/or text messages (including attachments) exchanged between any employee, member or rep of the RAGA, and AG Mike Hunter and/or his assistant or Chief Deputy, between 5/5/17 and 5/15/2017.	5/26/2017	Pending		
77	17-ORA-77	Media	6/6/2017	[REDACTED]		6/9/2017	Pending		

## Exhibit K



Case #	Media	Date of Request	Date Received	Requester	Records requested	Response Letter	Status	Notes	Released Date
	Media	5/6/2014		[REDACTED]	Locket Execution	Yes	Closed	Litigation review. KB reviewed. 11/22/16 SG Reviewed - CR reviewing - records on hard drive	2/2/2017
	Media	1/5/2015		[REDACTED]	correspondence with coal/energy groups	Yes	complete	To be picked up by Gross 2-14-17	2/10/2017
	Media	5/1/2015		[REDACTED]	Midazolam, Atrom Contr. Between OAG and ALEC or American Legislative Exchange Council; May 2010-May 2015	Yes	complete		2/14/2017
	Media	5/8/2015		[REDACTED]	AG-expense reports/office expenditures	Yes	Closed		4/4/2017
	Media	5/14/2015		[REDACTED]	AG-expense reports/office expenditures	Yes	Closed	4/6/2017 emailed to akane@watchdog.org was returned undeliverable. We have no other contact information for Mr. Kane, CDs in file. Closing file.	4/6/2017
		6/5/2015		[REDACTED]	Emails/documents on Bible distribution	Yes	pending	4/12/2017 - mailed CD	4/12/2017
		7/10/2015		[REDACTED]	Record on FFRF and religious literature	Yes	Completed	4/12/2017 - mailed CD	4/12/2017
		7/30/2015	42219	[REDACTED]	various records related to SB 1848 Abortion records from 1/1/74-8/5/15 between various entities. (mostly energy)	Yes 8/17/15	completed	CD mailed 4/12/2017 - bates stamp ORR Scott 0001-0380	4/12/2017
	Media	8/6/2015		[REDACTED]	AG calendar records Jan 1, 2014-8/1/15	Yes 8/17/15	completed	1481 doc produced 4/14/2017	4/14/2017
	Media	8/11/2015		[REDACTED]	Records relating to Dr. Anagnost. Jan 1, 2013- present.	Yes	completed	produced 4/14/2014	4/14/2014
	Media	9/10/2015		[REDACTED]	12 search terms related to Flight to Farm, animal rights activists, Humane Society etc	Yes	complete	Mailed CD 4/17/2017	4/17/2017
	Media	9/16/2015		[REDACTED]	email pertaining to Clean Power Plan.	Yes	Completed	responsive docs transmitted through litigation 5/12/17	5/12/2017
	Media	11/2/2015		[REDACTED]	10/1/15-present email between OAG & various energy companies 10/1/15-present	Yes	Completed	Responsive docs transmitted through litigation 5/12/17	5/12/2017
	Media	11/5/2015		[REDACTED]	Records Medical Board, Dr. Steven Anagnost	Yes	Completed	response identical to Ziva Branstetter 5/10/15 request	5/12/2017
		11/9/2015		[REDACTED]	emails/correspondence between OAG & US Chamber, OK State Chamber re Clean Power Plan.	Yes	11-10-15 Completed	Response sent 5/12/2017	5/12/2017

16 ORA 6	Media	2/10/2016	2/10/2016		All records that pertain to the Republican Attorneys General Association (RAGA) Emails/Attachments for AG and direct reports from 1/1/15 - present	yes 2/11/16	Completed	Responsive docs transmitted through litigation 5/12/17	5/12/2017
16 ORA 16		4/15/2016	4/18/2016		RE: Former BF Goodrich Plant - In re: Michelin North America, Inc.	yes 4/18/16	Completed		5/12/2017
16 ORA 23		5/26/2016	5/26/2016		letter from AG office to ODOT re: Infrastructure projects and bonding	Closed: 5/12/2017	No responsive docs		
16 ORA 32		5/23/2016	5/23/2016		Previously, the State gave us all the figures under the NPM statute. I have not yet received this information nor the adjustment information. Please provide that to me for 2011 - 2016. Re: Tobacco	yes 5/27/16	Completed	Docs redacted and produced	5/12/2017
16 ORA 33	Media	6/22/2016	6/22/2016		All records in re: Competitive Enterprise Institute, State Policy Network, American Legislative Exchange Council and the Oklahoma Council of Public Affairs	yes 6/23/2016	Completed	Responsive docs transmitted through litigation 5/12/17	5/12/2017
16 ORA 35	Media	7/12/2016	7/12/2016		All records that pertain to the Republican Attorneys General Association (RAGA)	yes 7/12/2016	Completed	Responsive docs transmitted through litigation 5/12/17	5/12/2017
16 ORA 37		7/22/2016	7/25/2016		Any documents from: PricewaterhouseCoopers	yes 7/28/16	Completed	Docs redacted and produced	5/12/2017
16 ORA 41	Media	8/4/2016	8/4/2016		Request all records re: AG's United for Clean Power	8/12/16 yes	Completed	Responsive docs transmitted through litigation 5/12/17	5/12/2017
16 ORA 43	Media	8/10/2016	8/10/2016		Forfeiture or other seizures since the practice first started within the AG's office	8/12/16 yes	Pending	Andrew Knittle is no longer with The Oklahoman. Terr Watkins spoke to Randy Ellis. Per TW, ok to close file, she will pass needed info to Randy.	closed 4/11/2017
16 ORA 50	Media	9/29/2016	9/30/2016		Records, not limited to contracts, invoices, memos, etc. I am looking for records that document fees paid re: abortion, contraception, sex education, etc.	9/30/16	completed	docs produced	5/12/2017
16 ORA 53		10/5/2016	10/5/2016		Emails to or from Gen. Pruitt, on right to farm, 777, vegan animal rights, etc.	10/7/16	Completed	docs produced	5/12/2017
16 ORA 54	Media	10/11/2016	10/11/2016		Any electronic correspondence between the Office and Purdue Pharma, Pfizer, Teva Pharmaceuticals, Pharmaceutical Research, etc.	10/12/16	Completed	docs produced	5/12/2017
16 ORA 55	Media	10/12/2016	10/12/2016		Any emails sent to the General or his executive staff re: U.S. Environmental Protection Agency proposed rule, "Accidental Release Prevention Requirements"	10/13/16	Closed	No responsive docs, close letter sent 5/12/2017	

16 ORA 57	Media	10/19/2016	10/19/2016	[REDACTED]	On scheduling records between Oct. 18, 2015 & Oct. 18, 2016 for AG & Patrick W. DAG/CAP Investigative file - disrupted meeting	10/21/16	Completed Closed 5/17/2017	Responsive docs transmitted through litigation. 5/12/17 No responsive docs: investigation file exempt	5/12/2017
16 ORA 63		11/22/2016	11/22/2016	[REDACTED]	Copy of datasets used to track complaints for employment discrimination, housing discrimination, public accommodation or racial profiling.	11/7/16	Closed 5/22/2017	5/20/17 - Terr W. spoke to requester to clarify his request. Much of what he wanted is available on our website, anything not on the web it confidential/privileged. Per TW, requester verbally withdrew request.	
16 ORA 74	Media	12/7/2016	12/7/2016	[REDACTED]	All public records provided in response to requests from representatives of the New York Times. Please also include the representatives' original requests. (FYI: Lipton request)	12/8/16	Closed 5/22/2017	Mailed CD with records	6/12/2017
16 ORA 76	Media	12/8/2016	12/8/2016	[REDACTED]	any and all records provided to the New York Times or Eric Lipton since Jan. 1, 2013.	12/9/2016	Completed 6/1/2017	Mailed CD with records	6/12/2017
16 ORA 82	Media	12/9/2016	12/9/2016	[REDACTED]	all 201 forms from 11/20/10 to 12/12/2016	12/13/2016	Closed 2/2/17 - information is available online. Notified and closed file.		6/12/2017
16 ORA 87	Media	12/12/2016	12/12/2016	[REDACTED]	Communications as well as any related attachments to and from AG that contain the word or phrase "Exxon" or "Standards for Science" or "Austin Holland" or "Randy Keller" or sent to or from the following individuals from January 1, 2011-December 8, 2016: Jeremy Boak, Larry Grier or David Boren.	12/13/16	Closed 6/12/2017	No responsive docs	
16 ORA 92		12/9/2016	12/13/2016	[REDACTED]	All corr to/from: DEQ and all corr regarding EPA // Exact requester Takano (16 ORA 21)	12/14/16	Closed 6/8/2017	Mike Soraghan sent an email 12/22/16 withdrawing request.	12/22/2016
16 ORA 93	Media	12/14/2016	12/14/2016	[REDACTED]	log/lists of ORA requests since 2011	12/28/16	Closed 5/22/2017	produced all logs.	6/8/2017
16 ORA 107		12/27/2016	12/28/2016	[REDACTED]	Copies of consumer complaints re: Humane society	12/28/16	Closed 5/22/2017	Any responsive docs would be exempt.	
16 ORA 108	Media	12/27/2016	12/28/2016	[REDACTED]	Collusion that occurred between AG office, Mormore, FBI, some DOJ, Governor & others to place Trump into the White House	12/29/16	Closed 5/22/2017	No responsive docs	
16 ORA 109		12/29/2016	12/29/2016	[REDACTED]	Copies of all emails containing Humane Society, HUSUS, Moore Tomada, Puppies, dogs, kittens and/or cats affiliated with and/or employed by Berman, etc.	12/29/16	Closed 4/17/2017	4/17/2017 Any responsive docs are contained in the CPU investigation file. Sent denial letter.	
16 ORA 110	Media	12/27/2016	12/29/2016	[REDACTED]		12/29/16	Closed 4/17/2017		

16 ORA 111	Media	12/28/2016	12/28/2016		Records request made by the NY Times in 2014 that included email correspondence between AG E Scott Pruitt & Devon Energy between 2011 & 2013	12/28/2016	Closed	Mailed CD with records	6/12/2017
16 ORA 118	Media	12/30/2016	12/30/2016		ORA requests logs	1/4/17	Closed	Produced all logs	6/8/2017
17 ORA 8	Media	1/10/2017	1/11/2017		The OAG Open Records queue spreadsheet/document (including individual/organization making request, request summary, date of request, status, etc.	1/17/17	Closed	produced all logs	6/8/2017
17 ORA 15		1/17/2017	1/17/2017		OHRC documents re: Robert P. McLeod	1/19/17	Closed 5/18/2017	Sent to Civil Rights to see if they had any documents - they do not. No responsive docs	
17 ORA 16	Media	1/13/2017	1/17/2017		litigation contracts for McCallum, Methvin & Terrell (Phillips 66 litigation), etc.	1/19/17	Closed; 4/18/2017	Lincoln has been emailing Montes, he will send the contract for the #1 request and we will send the other two. Par Tern W, closed file. She delivered the VW litigation contract and explained that there is no 201 for Baker Hosteller, they worked pro bono (by their request).	
17 ORA 18		1/19/2017	1/19/2017		Civil Rights Enforcement documents in re: Kimberly G. Gililand	1/19/17	Closed; 6/2/17	This request should be answered by the OCRE. Forwarded request and all records to Kara Smith for response.	
17 ORA 19	Media	1/20/2017	1/20/2017		litigation contracts for McCallum, Methvin & Terrell (Phillips 66 litigation), etc.	1/23/17	Closed 5/26/2017	Emailed response	
17 ORA 20		1/23/2017	1/23/2017		Request re: Arts Council Oklahoma City and/or Festival of the Arts	1/26/17	Closed 5/18/2017	No responsive docs	
17 ORA 21		1/19/2017	1/23/2017		Copies of any complaints filed with the Oklahoma AG Office	1/26/17	Closed 6/2/2017	No responsive docs	
17 ORA 22	Media	1/24/2017	1/24/2017		Please send to me all the documents corresponding to any open records request made of the Oklahoma Office of the Attorney General by Eric Lipson of the New York Times.		Closed	Mailed CD with records	6/12/2017

17 ORA 27	Media	1/19/2017	1/19/2017 Lincoln sent 1/26/17	[REDACTED]	All complaints of discrimination to the Office of Civil Rights Enforcement since its forming. All annual reports of discrimination and racial profiling from the Office of Civil Rights.	1/26/17	Closed. 4/14/2017	4/14/2017 - Terr W. spoke with requester. All responsive docs are contained in the OCRE investigation file/ confidential. The annual reports are publicly available ORA request unnecessary. Verbal request to close file per Terr W.	
17 ORA 29	Media		1/30/2017	[REDACTED]	Toxicology report on Clayton Lockett.	1/30/17	Closed 5/22/2017	Investigation file & confidential. Requester verbally withdrew request.	
17 ORA 30		1/28/2017	1/31/2017	[REDACTED]	Copy of the audi-recording that may have been obtained by Charles Rogers.	1/31/17	Closed 5/22/2017	Per Charles Rogers, we can not confirm if there is an investigation, and we have no records that would be Open. Sent no responsive docs letter.	
17 ORA 36	Media	2/9/2017	2/9/2017	[REDACTED]	I am seeking a copy of any and all responses that might have been issued by this office in regards to a letter that was sent by Sequoyah Fuels that was dated October 24, 2016, and which was addressed to Clayton Eubanks. The letter was requesting approval for placement of materials into a Sequoyah Fuel Corporation on-site disposal cell, as the company claimed it was unable to abide by the terms of the November 30, 2004 Settlement Agreement Concerning the Sequoyah Fuels Corporation Reclamation Plan between Sequoyah Fuels Corporation, the State of Oklahoma, and the Cherokee Nation.	2/10/17	Closed; 6/2/2017	Per Clayton Eubanks, records are included in litigation file.	
17 ORA 44	Media	2/23/2017	2/23/2017	[REDACTED]	The full text of the last 10 public records requests made to your office's anti-trust division or where anti-trust division had to be brought in for the response--as well as the responses that your office made to those requests; in their entirety.	3/30/17	Closed	No records	
17 ORA 45		2/25/2017	2/25/2017	[REDACTED]	Any law enforcement training materials that focus on mental illness, particularly developmental disorders like autism (identification, de-escalation techniques, communication techniques, etc.) This could include manuals, powerpoints, hand out etc. Purpose is for requestors masters thesis.	3/1/17	Closed 5/18/2017	Any records on this nature would be with CLEET (and confidential). OAG has no docs. No responsive docs letter sent.	



17 ORA 47		3/1/2017	3/1/2017		Information regarding the homicide of Cody Thompson	3/30/17	Closed	Checked with Megan Tilly - no records responsive.	
17 ORA 48		3/1/2017			Information requested relates to case #6:04-CV-00340-RAW (EDOK) in relation to the injunction on this matter on 07/10/2012, Judge Ronald A. White granted the joint application to lift temporary injunction and obtain other relief. Some time after 07/29/2013, an agreement was signed by the State of Oklahoma and the United Keetoowah Band. I am requesting a copy of that agreement.	3/30/17	Closed	Document is included in litigation file. Exempt	
17 ORA 49		3/7/2017			Hard copy of law relating to your divorce law via impotence	3/30/17	Closed	Closed no records	
17 ORA 53	Media	3/16/2017			ORA request logs for last three years	4/4/17	Closed	Produced all logs	6/8/2017
17 ORA 55	Media	3/17/2017			The full text and metadata (i.e. filing date and unique requester line, though not necessarily personal consumer information) of any and all complaints to your office about the following companies between January 1, 2016 to March 17, 2017. Companies: FleetCor, Fuelman, Universal Premium Fleet Card, BP Business Solutions Fuel Card, BP Business Solutions MasterCard, Chevron Texaco Business Mastercard, Chevron Texaco Universal Card, Chevron and Texaco Diesel Advantage Card, NextTrq, and Comdata		Closed: 4/18/2017	Investigative, no responsive docs	
17 ORA 56	Media	3/21/2017			Any investigations, complaints, reports, emails related to the substance abuse recovery programs: DARP Foundation (also known as DARP, D.A.R.P., or Drug and Alcohol Recovery Program), and CAAR (also known as Christian Alcoholics and Addicts in Recovery)		Closed: 4/17/17	No responsive docs	

17 ORA 58		3/30/2017			Information regarding the homicide of Cody Thompson		Closed: 4/18/17	This request is a duplicate of 17 ORA 47 from the same requestor excepting a change in the date of incident (from 1/1/17 to 12/31/16). I contacted Ms. Muniz regarding this second request and let her know that we conducted our previous search based on the names and not strictly based on the date. The office has no records responsive to this request. Closed file.	
17 ORA 59		4/4/2017			copies of public records that contain the work email addresses of all state and county prosecutors	4/18/2017	Closed	6/9/2017 - Lauren Spoke to requester, told him such a list does not exist within the OAG. Request verbally withdrew/request.	
17 ORA 65	Media	4/28/2017			A copy of the settlement reached between the State of Oklahoma and the defendants in the case C.L.2013-5246	5/8/17	Pending		
17 ORA 66		6/8/2017			Information from the personnel file of Megan Tilly that would indicate hire date, job assignment or change of assignment, and any promotion.	5/16/2017	Closed	Requester no longer needs the information. Verbally closed request.	6/13/2017
17 ORA 67		5/1/2017			2016 stats for employment discrimination charges filed each year.	5/16/17	Pending	2016 - 138 employment discrimination complaints.	
17 ORA 68		5/15/2017			A free copy of the "Oklahoma Public Information Act"		Closed 5/18/2017	No such records. Letter referred request to the Open Records Act on OSCN.	
17 ORA 70		5/24/2017			Any complaints concerning collection abuse or harassment received by your office in the period of May 2013 through May 2017 concerning SunPath LTD.	5/26/17	Closed: 5/26/2017	GPU complaints privileged	
17 ORA 72		5/25/2017			A certified copy of all materials in the AG's file relating to the Charge of Discrimination filed by Gary L. Riggs, Jr. EEOC Charge No. 564-2016-01559. We represent the respondent, FMC Technologies, Inc.		Closed: 6/2/2017	Materials must be requested through OCRE: Investigative/Litigation	
17 ORA 73		5/29/2017			A certified copy of all materials in the AG's file relating to the Charge of Discrimination filed by Simon T. Gonzales EEOC Charge No. 564-2016-01560. We represent the respondent, FMC Technologies, Inc.		Closed: 6/2/2017	Materials must be requested through OCRE: Investigative/Litigation	

17 ORA 75	Media	5/25/2017			I am requesting all email correspondence from OAG that was released to the NYT as part of their open records request referenced in their Dec 6, 2014 investigation.	5/25/2017	Closed	Mailed CD with records	6/13/2017
17 ORA 76		6/1/2017			A certified complete copy of the MCGSI subpoena for Cox on the IP address: 68.12.123.147 obtained by Lt. Adam Flowers (CAC) task force on the Canadian County Sheriff's Office. It was obtained between 12/15/2011 and 1/20/2012.	6/9/17	Closed: 6/9/2017	Any subpoena would be in the litigation/investigation file. Sent no open records letter.	
17 ORA 78		6/8/2017			Copies of all pending ORA requests.	6/9/17	Closed	Any subpoena would be in the litigation/investigation file. Sent no open records letter.	6/12/2017
17 ORA 79		6/13/2017			Any complaints concerning excessive phone calls, communications tactics, and or harassment received by OAG from 3/22/15 - 3/22/17 concerning the PA Higher Education Assistance Agency or American Education Services.	6/13/17	Closed	Any complaints, if existed, would be litigation/investigation.	
17 ORA 80		6/13/2017			Any complaints concerning collection abuse or harassment receive from 3/1/15 - 3/1/17 concerning the JH Porttiff Debt Equities, JTM Capital Management, Northeastern Asset Recovery Group.	6/13/17	Closed	Any complaints, if existed, would be litigation/investigation.	
17 ORA 81	Media	6/15/2017			The approximately 70 emails sent to and from: aspp@oag.ok.gov and scott.pittill@oag.ok.gov produced to CMD in May or June of 2017.	6/15/17	Closed	Sent CD containing all CMD productions in 4/2017 and 5/2017. Left at Front desk by Terri Watkins.	6/15/2017