

May 6, 2019

Ohio Office of Attorney General  
30 E. Broad St., 14th Floor  
Columbus, OH 43215

Dear Ohio Attorney General Dave Yost or designee,

Pursuant to Ohio's open records law, R.C. §§ 149.43-149.44, I am requesting the following records related to the production and deletion of the the four and-a-half minute video posted to YouTube -- dubbed "The Yost Post" -- and to the Ohio Attorney General's website on April 25, subsequently removed:

1. All Bidding Documents, RFPs, RFQs, or Similar Documents (GAR-C-01). If no bids were solicited for production of this video, all correspondence and documents related to the selection process, including all records regarding the decision not to place the contract out for bid. If the video was entirely produced in-house, all records regarding that decision, and any records of associated costs.
2. All Contract Encumbrances, Procurements, Complaints to Vendors, and Related Contract Documents (GAR-C-03).
3. Executive Correspondence (GAR-CM-01). This includes any correspondence regarding the video, the Columbus Dispatch article dated May 3 and titled, "Yost uses video produced at taxpayer expense to raise campaign cash," and the decision to remove the video from the Ohio Attorney General website.
4. General Correspondence (GAR-CM-02). This includes any correspondence regarding the video, the Columbus Dispatch article dated May 3 and titled, "Yost uses video produced at taxpayer expense to raise campaign cash," and the decision to remove the video from the Ohio Attorney General website.
5. Invoices -- Accounts Payable Invoices (GAR-OES-06).
6. Requisitions for Supplies (GAR-OES-08).
7. Audiovisual Materials (GAR-RPM-06).
8. Minutes of Agency Staff Meetings (GAR-RPM-08). This includes any minutes regarding the video, discussion of the Columbus Dispatch article dated May 3 and titled, "Yost uses video produced at taxpayer expense to raise campaign cash," and any discussion of whether to remove the video from the Ohio Attorney General website.

9. Telephone Logs, Bills, and Call Records (GP-M-03).
10. Calendars, Appointment Books and Itineraries (OW-AGO-25).
11. Deposited Checks (OW-AGO-20).
12. Special Projects Files (OW-AGO-17).
13. Check Tracking Logs (OW-AGO-16).
14. Program Development Materials (OW-AGO-07).

I request that these records be sent to my email address, ddewitt@ohiodems.org, in order to reduce costs. If, for some reason, that is not possible, I am willing to provide blank CD's or DVD's. As the custodian of these records, I am sure you are aware that requestors have the right to choose the medium on which the records are copied. R.C. § 149.43(B)(6).

Please note that that materials stored on private computers or in private emails may constitute a public record if it documents the organization, functions, policies, procedures, operations or other activities of the public office. *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, ¶ 23 (relator conceded that e-mail messages created or received by her in her capacity as state representative that document her work-related activities constitute records subject to disclosure under R.C. 149.43 regardless of whether it was her public or her private e-mail account that received or sent the e-mail messages).

If you or your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. I agree to pay reasonable copying and postage fees of not more than \$10. If the cost would be greater than this amount, please notify me before making any copies. Please provide a receipt indicating the charges for each document.

I would request your response within ten (10) business days. If any portion of this request requires extended time to prepare, please produce materials as available rather than delaying production of the entire request.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. I understand that some of these records contain personal identifying information, such as Social Security numbers, that will need to be redacted before production. To the extent any requested document contains such information that, by law, you cannot produce in a public records request, I will accept a redacted copy of such documents with the impermissible information redacted. If any requested document is not being produced under the assertion of any legal privilege, I request that you also produce a privilege log

that clearly identifies the item and the specific legal privilege being asserted to deny production.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the open records law can result in the award of court costs and reasonable attorney fees. See R.C. § 149.43(C).

Thank you for your assistance in this matter. Please do not hesitate to contact me if you should have any questions.

Sincerely,

David DeWitt  
Deputy Communications Director  
Ohio Democratic Party  
340 E. Fulton St.  
Columbus, OH 43215