

**FILED IN DISTRICT COURT
IN THE DISTRICT COURT OF OKLAHOMA COUNTY OKLAHOMA COUNTY
STATE OF OKLAHOMA**

FEB - 7 2017

**Center for Media and Democracy, a
Wisconsin corporation,**

Plaintiff,

v.

**Scott Pruitt, in his official capacity as
Attorney General of the State of
Oklahoma,**

Defendant.

**RICK WARREN
COURT CLERK**

34_____

Case No.

CV-2017-223

**PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF FOR VIOLATION OF
THE OKLAHOMA OPEN RECORDS ACT AND FOR INJUNCTIVE RELIEF
AGAINST DESTRUCTION OF RECORDS**

The plaintiff, Center for Media and Democracy ("CMD"), pursuant to OKLA. STAT. tit. 51, §24A.17(B), hereby petitions this Court to temporarily and permanently enjoin the defendant, public official Scott Pruitt, the Attorney General of Oklahoma, as well as his agents ("Pruitt" or the "AG"), from continuing to deny access to specific requested public records in violation of the Oklahoma Open Records Act, OKLA. STAT. tit. 51, §§24A.1, *et seq.* ("ORA").

The plaintiff further petitions this Court to restrain and enjoin Pruitt and his agents from destroying any documents relevant to the plaintiff's ORA requests until such time as the issues herein are fully resolved.

In support of its petition, the plaintiff alleges and states the following:

PARTIES

1. CMD is a corporation organized under the laws of the State of Wisconsin and maintaining its principal place of business in Madison, Wisconsin. It is a nonpartisan, nonprofit media watchdog group that conducts in-depth investigations into the influence of corporations in American democracy. The findings of CMD's investigative journalism are used and cited

regularly by leading print and broadcast media across the country, and appear on the organization's own websites.

2. Nick Surgey is CMD's Director of Research and is duly authorized to act on behalf of the organization.

3. CMD and its agents and employees are persons within the meaning of the ORA, and therefore are entitled to inspect public records.

4. Pruitt is an elected public official subject to the requirements of the ORA. The office of the Attorney General of Oklahoma is located in Oklahoma County, Oklahoma. The records maintained by the AG and subject to the ORA can be accessed in Oklahoma County, Oklahoma.

RELEVANT FACTS

5. Between January 2015 and October 2016, CMD filed seven ORA requests for public documents within the custody, control, or possession of Pruitt and subject to the ORA. CMD filed two additional requests in January 2017. All of the requests pertain to important policy matters of substantial interest to the public.

6. As of the date of this filing, Pruitt has failed to produce or allow inspection of any of the records requested by the Plaintiff.

7. Nick Surgey, Research Director for CMD, filed an ORA request with Pruitt on January 5, 2015. A copy of the request is attached as Exhibit 1.

8. CMD has made multiple inquiries concerning the status the January 2015 records request over the past two years and has received correspondence each time saying Pruitt's office is working on it, with no commitment to a release date. Those communications are attached as Exhibits 2 through 5.

9. The AG's general counsel, Sarah Greenwalt, sent a letter to CMD on January 17,

2017 in response to CMD's inquiry about the status of the January 5, 2015 ORA request. That letter stated that there were more than 3,000 responsive documents under review, but again said that "I unfortunately do not have an expected response date to give to you at this time." Greenwalt's letter is attached as Exhibit 6.

10. CMD filed an ORA request with Pruitt on November 03, 2015. The request is attached as Exhibit 7. CMD did not receive an acknowledgement from Pruitt or the AG's office related to the November 03, 2015 request, and has not received or been provided access to any of the records requested.

11. CMD filed an ORA request with Pruitt on February 10, 2016. The request is attached as Exhibit 8. CMD received an acknowledgement on February 11, 2016, attached as Exhibit 9, but has not received or been provided access to any of the records requested.

12. CMD filed an ORA request with Pruitt on April 27, 2016. The request is attached as Exhibit 10. CMD did not receive an acknowledgement from Pruitt or the AG's office related to the April 27, 2016 request, and has not received or been provided access to any of the records requested.

13. CMD filed an ORA request with Pruitt on July 12, 2016. The request is attached as Exhibit 11. CMD did not receive an acknowledgement from Pruitt or the AG's office related to the July 12, 2016 request, and has not received or been provided access to any of the records requested.

14. CMD filed an ORA request with Pruitt on August 4, 2016. The request is attached as Exhibit 12. CMD did not receive an acknowledgement from Pruitt or the AG's office related to the August 4, 2016 request, and has not received or been provided access to any of the records requested.

15. CMD filed an ORA request with Pruitt on October 18, 2016. The request is attached as Exhibit 13. CMD received an acknowledgement on October 21, 2016, attached as Exhibit 14, but has not received or been provided access to any of the records requested.

16. CMD filed two ORA requests with Pruitt on January 2, 2017. The requests are attached as Exhibits 15 and 16. CMD received acknowledgements on January 5, 2017, attached as Exhibits 17 and 18, but has not received or been provided access to any of the records requested.

17. In her January 17, 2017 letter (*see* Exhibit 6), Ms. Greenwalt stated that the Attorney General's office processes open records requests "in the order in which they are received," and that Mr. Surgey's request "is second from the top."

18. On information and belief, the system used by the AG causes a request (unless identical or substantially the same as a previous request) not to be processed or complied with until after all previously received requests have been completed.

19. CMD received an email from Karen Bray in Pruitt's office on September 23, 2016 (*see* Exhibit 3) indicating that, "The first reviewer has gone through the documents. It still needs to go through two more reviewers."

20. On information and belief, Pruitt employs procedures in responding to ORA requests that require unnecessary actions designed to, and with the actual effect of, severely delaying production of public records sought under the ORA.

CAUSE OF ACTION AND PRAYER FOR RELIEF

21. The ORA expresses "the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government." *See* ORA §24A.2. Pursuant to this public policy, the stated purpose of the ORA Act "is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power." *Id.*

22. To effect these purposes, ORA §24A.5 mandates that “[a]ll records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction....” As such, it imposes an affirmative and legally cognizable duty on Pruitt to allow public access to the records within his custody, control, or possession.

23. ORA §24A.5(6) mandates that a public body or an official such as Pruitt “must provide prompt, reasonable access to its records.”

24. As of the time of filing this complaint, Pruitt has denied prompt, reasonable access to records requested by CMD on seven (7) occasions since January 2015. CMD has not been received a single public record from the AG’s office in over two years.

25. The denial of access to records for a period in excess of twenty-four (24) months is *per se* neither “prompt” nor “reasonable.” The average response time to receive records in response to a public records request in Oklahoma is sixty-eight (68) days, which is one of the slowest response times of all the states in the country, according the journalism resource MuckRock. *See* Exhibit 19. Almost all of CMD’s requests have been pending for far longer than two (2) months, and CMD has not received any access to public records, let alone “reasonable access” to such records.

26. Pursuant to ORA §24A.17(B), CMD requests (a) declaratory relief in the form of an order declaring that Pruitt has violated the ORA by failing to provide prompt and reasonable access to public documents, and (b) injunctive relief in the form of an order for the immediate release of all records responsive to CMD’s ORA requests. CMD requests prompt *in camera* review of all potentially responsive documents for which any exemption from public disclosure is claimed.

27. CMD further requests preliminary injunctive relief to prevent Pruitt from

destroying any records relevant to CMD's ORA requests, notwithstanding any retention schedules promulgated by Archives and Records Commission under the Records Management Act. *See* OKLA. STAT. tit. 67, §§201, *et seq.*

28. By separate motion, CMD requests that Pruitt be temporarily restrained from any destruction of the requested records, particularly in light of Pruitt's nomination to be Administrator of the Environmental Protection Agency. Pruitt has stated to United States Senators who are considering his qualifications for that position, and who asked for copies of the records requested by CMD, that they should file open records requests for the documents.

29. Pruitt's failure to provide prompt or reasonable access to the records requested—in some cases for more than twenty-four (24) months, more than half of the Attorney General's statutory term of office—should not allow Pruitt to evade disclosure of requested records by disposing of records that existed at the time that ORA requests were filed, regardless of any state document retention policy, practice, or schedule. Destruction of records requested by CMD would irreparably harm CMD's and the public's right to access the requested documents.

30. CMD prays that the Court temporarily restrain and preliminarily enjoin the destruction of any potentially relevant documents responsive to CMD's various ORA requests until after the conclusion of this action, or any related litigation pertaining to the adequacy of Pruitt's responses to the plaintiff's ORA requests.

31. CMD further prays that the Court award CMD its reasonable attorneys' fees in this action, as CMD is entitled to attorneys' fees upon successful determination of the action on the merits under ORA §24A.17(B)(2).

Respectfully submitted,



Robert D. Nelon, OBA #6610

Blake Lawrence, OBA #30620

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

100 North Broadway, Suite 2900

Oklahoma City, OK 73102-8865

Telephone (405) 553-2828

Facsimile (405) 553-2855

Of Counsel:

Arn H. Pearson, Maine Bar #008166

General Counsel

Center for Media and Democracy

122 West Washington Avenue, Suite 555

Madison, WI 53703

Telephone (202) 272-2886

and

Brady R. Henderson, OBA #21212

Ryan Kiesel, OBA #21254

ACLU of Oklahoma Foundation

3000 Paseo Drive

Oklahoma City, OK 73103

Telephone (405) 524-8511

Facsimile (405) 524-2296

**ATTORNEYS FOR PLAINTIFF,
CENTER FOR MEDIA AND
DEMOCRACY**

VERIFICATION

COUNTY OF MIDDLESEX

)

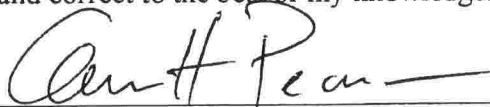
STATE OF MASSACHUSETTS

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I, Arn H. Pearson, of lawful age, having been first duly sworn, upon oath state as follows:

1. I am General Counsel and Policy Advisor for the plaintiff, Center for Media and Democracy. As such I have personal knowledge of the facts alleged in the Petition.
2. I have read the Petition, and am familiar with its allegations.
3. All of the facts alleged therein are true and correct to the best of my knowledge.



Arn H. Pearson

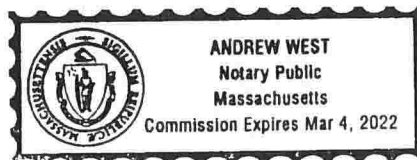
Sworn to before me this 7th day of February, 2017.



Notary Public

[SEAL]

1466121.1:999914:00014



The Center for Media and Democracy

Transformative Investigations

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Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105

January 5, 2015

Office of the Oklahoma Attorney General, Scott Pruitt:

Pursuant to the Oklahoma Open Records Act Title 51, Section 24A.1-24A.29, we request access to the following records:

A copy of all email records, including any email attachments, that were sent to, received from, or otherwise pertain to any representative of the following listed organizations. For the purposes of aiding in a search for these communications, email domains (where known) are listed below.

1. Peabody Energy - @peabodyenergy.com
2. Arch Coal, Inc. - @archcoal.com
3. Murray Energy Corporation - @coalsource.com
4. National Coal Corporation - @nationalcoal.com
5. American Coalition for Clean Coal Electricity (or "ACCCE") - @cleancoalusa.com
6. American Coal Council - @americancoalcouncil.org
7. National Mining Association - nma.org
8. Union Pacific Railroad - @up.com
9. BNSF Railway - @bnsf.com
10. Edison Electric Institute - @eei.org
11. Devon Energy - @dvn.com
12. Norfolk Southern Corporation - @nscorp.com
13. American Electric Power - @aep.com
14. Koch Industries - @kochind.com and @kochps.com and @kochsec.com
15. Americans for Prosperity - @afphq.org and americansforprosperity.org
16. The American Legislative Exchange Council (or "ALEC") - @alec.org
17. The Jeffersonian Project - Not known
18. American Petroleum Institute - @api.org
19. Consumer Energy Alliance - @consumerenergyalliance.org
20. HBW Resources - @hbwresources.com
21. Oklahoma Council of Public Affairs - @ocpathink.org
22. GOPAC - @gopac.org
23. Freedom Partners - @freedompartners.org and @aforai.org

Exhibit 1

- 24. Natural Resources Group - nrginc.com and @NRG-LLC.com
and @gregwalcher.com
- 25. American Fuel & Petrochemical Manufacturers - @afpm.org
- 26. Hunton & Williams - @hunton.com
- 27. Sargent & Lundy - @sargentlundy.com
- 28. Porter, Wright, Morris & Arthur - @porterwright.com
- 29. Troutman Sanders LLP - @troutmansanders.com

The scope of this request includes Attorney General Scott Pruitt and any executive staff of the AG, and the following persons:

- Director of Communications and other communications staff
- Director of Public Affairs and other public affairs staff
- Chief of Staff
- First Assistant Attorney General.

The search may be restricted to records sent or received by any method between January 1, 2013 and the date of your response being completed.

The Center for Media and Democracy is a non-profit reporting organization, and the disclosure of the materials requested here would be in the public interest, providing insight into the workings of government. As such a waiver of any and all fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$25. If the cost would be greater than this amount, please notify us in advance.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Where possible, please provide these materials electronically, either by email or on cd/dvd.

If you have any questions, please do not hesitate to contact me by email at research@prwatch.org.

Thank you for your assistance.

Sincerely,

Nick Surgey
Director of Research
The Center for Media & Democracy
PO Box 259010
Madison, WI 53725-9010



Jamie Corey <jamie@prwatch.org>

Follow-up to CMD's Public Records Request

Karen Bray <karen.bray@oag.ok.gov>

Wed, Aug 24, 2016 at 2:19 PM

To: Jamie Corey <jamie@prwatch.org>

Ms. Corey,

I did receive the email from Nick Surgey letting us know it was okay to speak to you about his request. However, I am sorry I did not respond immediately. I was waiting to hear from you again to see if you still wanted a follow-up on his request.

As his request goes, I have gathered all of the material, and I am now going thru all of it. All of the documents that came from the search have been over 3000 documents. I am now going through all of them to see what pertains to his request. I cannot give you a time line when this review will be done – as it is very time consuming.

Thank you for your consideration.

Karen Bray

From: Jamie Corey [mailto:jamie@prwatch.org]

Sent: Wednesday, August 24, 2016 1:50 PM

To: Karen Bray; Karen Bray

Cc: Nick Surgey; Cara Rodriguez

Subject: Re: Follow-up to CMD's Public Records Request

[Quoted text hidden]



Jamie Corey <jamie@prwatch.org>

Follow-up to CMD's Public Records Request

Karen Bray <karen.bray@oag.ok.gov>
To: Jamie Corey <jamie@prwatch.org>

Fri, Sep 23, 2016 at 8:42 AM

The first reviewer has gone through the documents. It still needs to go through two more reviewers. One of our problems is we have to do our other work as we go through them. As you can imagine this is all very tedious.

I am afraid I cannot give you a timeline. We are working as quickly as possible.

Thank you for your consideration.

From: Jamie Corey [mailto:jamie@prwatch.org]
Sent: Friday, September 23, 2016 8:25 AM
To: Karen Bray

[Quoted text hidden]

[Quoted text hidden]



Jamie Corey <jamie@prwatch.org>

Follow-up to CMD's Public Records Request

Sarah Greenwalt <sarah.greenwalt@oag.ok.gov>
To: Cara Rodriguez <cara.rodriguez@oag.ok.gov>
Cc: "jamie@prwatch.org" <jamie@prwatch.org>, Karen Bray <karen.bray@oag.ok.gov>

Fri, Dec 9, 2016 at 4:14 PM

Jamie,

Thank you for reaching out. Cara is correct, we are currently reviewing your colleague's request and are working hard to get it released as soon as we can.

I just wanted to clarify that the request we have on file from your colleague Nick Surgey has to do with correspondence between the AG's office and specific outside groups/law firms and not RAGA, as indicated in your follow up email. Please let us know if this is incorrect.

Again, thanks for your patience!

Sarah A. Greenwalt

General Counsel to the Attorney General

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL

313 NE 21st Street, Oklahoma City, OK 73105

T: (405) 522-3116 | F: (405) 522-0669

Sarah.Greenwalt@oag.ok.gov

From: Cara Rodriguez
Sent: Tuesday, December 06, 2016 1:29 PM
To: Sarah Greenwalt
Subject: Fwd: Follow-up to CMD's Public Records Request

Sent from my iPhone

Begin forwarded message:

From: Cara Rodriguez <cara.rodriguez@oag.ok.gov>
Date: December 6, 2016 at 2:28:19 PM EST

Exhibit 4

To: Jamie Corey <jamie@prwatch.org>
Cc: Karen Bray <karen.bray@oag.ok.gov>

[Quoted text hidden]

[Quoted text hidden]



Jamie Corey <jamie@prwatch.org>

Follow-up to CMD's Public Records Request

Sarah Greenwalt <sarah.greenwalt@oag.ok.gov>

Tue, Jan 3, 2017 at 3:42 PM

To: Jamie Corey <jamie@prwatch.org>

Cc: Cara Rodriguez <cara.rodriguez@oag.ok.gov>, Karen Bray <karen.bray@oag.ok.gov>

Hi Jamie,

I apologize for the delayed response in returning your email. In the midst of intervening holidays, we are currently wrapping up end-of-the-year reports, budget proposals, and the like as we prepare for the next calendar, legislative, and fiscal years. As you can imagine, it's been rather hectic around here. Please let me assure you that Mr. Surgey's request is still near the top of our queue. Unfortunately I do not have an expected response date. I can tell you, however, that his request is in front of the final reviewer, and I am happy to let you know when I have a better idea on a response date.

Hope you had a pleasant holiday season.

Sarah A. Greenwalt

General Counsel to the Attorney General

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL

313 NE 21st Street, Oklahoma City, OK 73105

T: (405) 522-3116 | F: (405) 522-0669

Sarah.Greenwalt@oag.ok.gov

From: Jamie Corey [mailto:jamie@prwatch.org]

Sent: Tuesday, January 03, 2017 2:27 PM

To: Sarah Greenwalt

Cc: Cara Rodriguez; Karen Bray

[Quoted text hidden]

[Quoted text hidden]



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

January 17, 2017

Jamie Corey
Center for Media and Democracy
P.O. Box 259010
Madison, Wisconsin 53725

Re: Open Records Act Requests

Dear Ms. Corey,

This letter is in response to your email, dated January 10, 2017, in which you request an update on a number of Open Records Act requests filed by yourself and Nick Surgey. Before I address the substance of that email, please note that any future correspondence regarding your requests should be addressed to myself and Karen Bray, our Open Records Act Coordinator.

As you are aware, the Office of Attorney General is working on a considerable number of requests from media, law firms, public interest groups, and others, many of which request thousands of pages of records. We process these requests in the order in which they are received, ensuring fairness to all who make requests. In your email, you express concern that you have lost your place in the queue. Let me assure you that you have not.

Neither has Mr. Surgey lost his place in the queue. Currently, Mr. Surgey's request is second from the top and will be reviewed and subsequently released after the request in front of him has been released. The request ahead of him is comprised of over 10,000 documents and is therefore taking a considerable amount of time to review. Similarly, the number of documents currently in Mr. Surgey's response is over 3,000. As you are aware, there are many exemptions and exceptions that exist under Oklahoma's Open Records Act. We therefore give each document a careful review to make sure that we are not required by law to keep it confidential and that one of the many exemptions and exceptions under the Act does not apply.

Oklahoma's Open Records Act requires an agency to provide "prompt, reasonable access" to records while employing reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. 51 O.S.Supp.2016, § 24A.5(5). This means that review of these thousands of pages of documents occur amidst the

many other duties and obligations this office has, which at this time of year includes end-of-the-year reports, budget proposals and hearings before the Legislature, and the like.

As I mentioned in my email to you dated January 3, 2017, I unfortunately do not have an expected response date to give to you at this time, but am happy to give you an update when I have one. Reiterating what I said in that email, I can tell you that Mr. Surgey's request (along with the request in front of his request) is in front of the final reviewer and we continue to work diligently to review and release these records as soon as we can.

Sincerely,

A handwritten signature in black ink that reads "Sarah Greenwalt". The script is cursive and fluid, with the first name "Sarah" and last name "Greenwalt" clearly legible.

Sarah A. Greenwalt
GENERAL COUNSEL TO THE ATTORNEY GENERAL
Sarah.greenwalt@oag.ok.gov



Jamie Corey <jamie@prwatch.org>

Records Request 2 of 2

Jamie Corey <jamie@prwatch.org>
To: Nick Surgey <nick@prwatch.org>

Fri, Jan 13, 2017 at 1:56 PM

----- Forwarded message -----

From: **Jamie Corey** <jamie@prwatch.org>
Date: Thu, Jan 14, 2016 at 10:30 AM
Subject: Re: Records Request 2 of 2
To: publicprotection@oag.ok.gov

Dear Mr. Cooper,

I just finished leaving a voicemail on your message and wanted to follow up with forwarding you the records request I was referring to in the message. Can your office please provide a status on this request?

Thanks very much for your assistance.

On Tue, Nov 3, 2015 at 2:03 PM, Jamie Corey <jamie@prwatch.org> wrote:

November 2, 2015

Dear Records Officer,

Pursuant to the Oklahoma open records law, I request access to and a copy of all email correspondence sent and received directly pertaining to the Clean Power Plan.

The scope of this request includes the Oklahoma Attorney General and all staff that report directly to the Oklahoma Attorney General. The search for records may be limited to those sent and received between October 1, 2015 and the date of your final response to this request. Please exclude all press clips.

I request that these records be provided in electronic form.

Please note that this request includes all emails sent or received on official state email accounts, as well as any other email accounts that have been used for official business.

The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$20. If the cost would be greater than this amount, please notify us.

Please provide a receipt indicating the charges for each document.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

Jamie Corey
The Center for Media and Democracy
PO Box 259010
Madison, WI 53725

Exhibit 7



Jamie Corey <jamie@prwatch.org>

Public Record Request

Jamie Corey <jamie@prwatch.org>

Wed, Feb 10, 2016 at 2:17 PM

To: publicprotection@oag.ok.gov, Aaron Cooper <aaron.cooper@oag.ok.gov>

2/10/16

Dear Records Officer:

Pursuant to the Oklahoma open records law, I request access to and a copy of all records that pertain to the Republican Attorneys General Association (RAGA).

The scope of this request includes the attorney general and any staff that report directly to the attorney general. The search for records may be limited to email correspondence, both sent and received, as well as any attachments in the email correspondence. The scope of the request includes email correspondence both sent and received between 1/1/15 and the date of your final response.

Please note that this request includes all emails sent and received on official state email accounts, as well as any other email accounts that have been used for official business. Note, as a member of the Republican Attorneys General Association, the attorney general is acting in his official capacity.

I request that these records be provided in electronic form. The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$20.

If the cost would be greater than this amount, please notify us. Please provide a receipt indicating the charges for each document.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s). As allowed by Oklahoma State Law, please provide all portions of releasable material, even if there is redacted material on the page or record.

Sincerely,

Jamie Corey
Center for Media and Democracy

Exhibit 8



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

February 11, 2016

Jamie Corey
Center for Media and Democracy

Re: Open Records Act request, our internal number 16 ORA.6

Dear Ms. Corey,

This letter is to acknowledge your email, dated February 10, 2016, in which you make an Open Records Act request, regarding the following:

Access to and a copy of all records that pertain to the Republican Attorneys General Association (RAGA).

The scope of this request includes the attorney general and any staff that report directly to the attorney general. The search for records may be limited to email correspondence, both sent and received, as well as any attachments in the email correspondence. The scope of the request includes email correspondence both sent and received between 1/1/15 and the date of your final response.

Please note that this request includes all emails sent and received on official state email accounts, as well as any other email accounts that have been used for official business. Note, as a member of the Republican Attorneys General Association, the attorney general is acting in his official capacity.

The Attorney General's Office will begin the process of identifying and assembling any and all documents responsive to your request. The Office will conduct this search as quickly as possible and will notify you once this search is complete. Please note that many exemptions and exceptions exist under the Open Records Act; if your search implicates any of these exemptions or exceptions, it may take additional time to assemble, review, and fulfill your records request.

In the interim, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "Cara N. Rodriguez", is positioned above the printed name.

Cara N. Rodriguez

GENERAL COUNSEL TO THE ATTORNEY GENERAL



Jamie Corey <jamie@prwatch.org>

Public Records Request

Jamie Corey <jamie@prwatch.org>
To: aaron.cooper@oag.ok.gov

Wed, Apr 27, 2016 at 1:29 PM

April 27, 2016

Pursuant to the Oklahoma open records law, we request access to and a copy of all electronic records pertaining to the following organizations and individuals:

- Competitive Enterprise Institute ("CEI")
- ExxonMobil ("Exxon")
- DCI Group
- Haynes & Boone, LLP
- Cantey Hanger LLP
- Paul, Weiss, Rifkind, Wharton & Garrison, LLP
- Eric Schneiderman
- Claude Walker
- Hunton & Williams LLP
- Sam Kazman
- Kent Lassman
- State Policy Network ("SPN")
- Christopher (Chris) Horner
- David Schnare
- Energy & Environment Legal Institute ("E&E Legal")

The scope of this request includes the Attorney General, and any staff that report directly to the Attorney General.

"Electronic records" should include but is not limited to emails (either sent or received), email attachments, PDFs, Word documents, notes, minutes, scheduling records, text messages, and all other records stored electronically. Drafts shall also be included.

The search for records may be limited to between January 1, 2015 and the date of your final response. Widely available news clips may be excluded.

We request that these records be provided in electronic form either by email or on CD. The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$25.

If the cost is estimated to be greater than this amount, please notify us in advance along with a breakdown of charges.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s). As allowed by Oklahoma state law, please provide all portions of releasable material, even if there is redacted material on the page or record.

We request materials to be provided on a rolling basis as responsive records are identified.

Thanks for your assistance,

Jamie Corey
Center for Media and Democracy
PO Box 259010
Madison, WI 53725

Exhibit 10

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

☒ Media ☐ General Public

Information Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

A copy of all records that pertain to the Republican Attorneys General Association ("RAGA"). The scope of the request includes the attorney general, senior staff that reports to the attorney general, and deputy attorney generals, and should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records. The search for records may be limited to 4/1/16 and the date of your final response.

jamie@prwatch.org

E-MAIL ADDRESS

Purpose of Request: ☐ Personal ☐ Commercial ☒ Public Interest

Jamie Corey

NAME OF PERSON MAKING REQUEST (Please Print Name)

PO Box 259010

ADDRESS

Madison

WI

53715

CITY

STATE

ZIP

608-208-5851

N/A

PHONE

FAX

The Center for Media and Democracy

If this is a media request, who are you affiliated with.

SIGNATURE

7/12/16

DATE

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do NOT send money prior to receiving notification of applicable fees and the exact amount due.

RETURN FORM TO: Oklahoma Office of the Attorney General
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
Phone: (405) 522-4430 Fax: (405) 522-0669
Email: openrecordsrequests@oag.ok.gov



Exhibit 11

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

☒ Media ☐ General Public

Information Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

We request access to and a copy of all records pertaining to the "AG's United for Clean Power." The scope of this request includes the attorney general, any staff that report directly to the attorney general, and should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records. The search for records may be limited to those sent and received between March 1, 2016 and the date of your final response.

Jamie @ prwatch.org

E-MAIL ADDRESS

Purpose of Request: ☐ Personal ☐ Commercial ☒ Public Interest

Jamie Corey

NAME OF PERSON MAKING REQUEST (Please Print Name)

PO Box 259010

ADDRESS

Madison

WI

53715

CITY

STATE

ZIP

608-229-6810

PHONE

FAX

The Center for Media and Democracy

If this is a media request, who are you affiliated with.

SIGNATURE

DATE

8/4/16

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do NOT send money prior to receiving notification of applicable fees and the exact amount due.

RETURN FORM TO: Oklahoma Office of the Attorney General
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
Phone: (405) 522-4430 Fax: (405) 522-0669
Email: openrecordsrequests@oag.ok.gov



Exhibit 12

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

☒ Media ☐ General Public

Information Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

I request access to and a copy of all scheduling records between October 18, 2015 and October 18, 2016. The scope of the request includes Attorney General Scott Pruitt and

Solicitor General Patrick Wyrick.

jamie@prwatch.org

E-MAIL ADDRESS

Purpose of Request: ☐ Personal ☐ Commercial ☒ Public Interest

Jamie Corey

NAME OF PERSON MAKING REQUEST (Please Print Name)

PO Box 259010

ADDRESS

Madison

CITY

WI

STATE

53725

ZIP

608-229-6810

PHONE

FAX

Center for Media and Democracy

If this is a media request, who are you affiliated with.

SIGNATURE

10/18/16

DATE

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do NOT send money prior to receiving notification of applicable fees and the exact amount due.

RETURN FORM TO: Oklahoma Office of the Attorney General
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
Phone: (405) 522-4430 Fax: (405) 522-0669
Email: openrecordsrequests@oag.ok.gov



Exhibit 13



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

October 21, 2016

Jamie Corey
Center for Media and Democracy
P.O. Box 259010
Madison, Wisconsin 53725

Re: Open Records Act request, our internal number 16 ORA 57.

Dear Ms. Corey,

This letter is to acknowledge your email, dated October 19, 2016, in which you make an Open Records Act request, regarding the following:

An access to and a copy of all scheduling records between October 18, 2015 and October 18, 2016. The scope of the request includes Attorney General Scott Pruitt and Solicitor General Patrick Wyrick.

Oklahoma's Open Records Act, 51 O.S.2011 & Supp.2015, §§ 24A.1 – 24A.30, requires an agency to provide "prompt, reasonable access" to records while employing reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. 51 O.S.Supp.2015, § 24A.5(5).

Currently, the Attorney General's Office is working on thirty-five Open Records Act requests from media, law firms, public interest groups, and others, many of which request thousands of pages of records. Further, these requests are at various stages of the review process, i.e., intake, record search, legal review, and redaction of confidential information captured by search, etc. We process these requests in the order in which they are received, ensuring fairness to all who make requests. We will respond as quickly as possible and will notify you once the search is complete.

Finally, please be advised that many exemptions and exceptions exist under Oklahoma's Open Records Act. For example, one such exception specifically permits us to maintain the confidentiality of our litigation files. *Id.* § 24A.12. If your search implicates any of these exemptions or exceptions, it may take additional time to assemble, review, and fulfill your records request.

Sincerely,

A handwritten signature in black ink that reads "Cara N. Rodriguez".

Cara N. Rodriguez

GENERAL COUNSEL TO THE ATTORNEY GENERAL

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

☒ Media ☐ General Public

Information Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

Please see attached.

Jamie@prwatch.org

E-MAIL ADDRESS

Purpose of Request: ☐ Personal ☐ Commercial ☒ Public Interest

Jamie Corey

NAME OF PERSON MAKING REQUEST (Please Print Name)

PO Box 259010

ADDRESS

Madison

CITY

WI

STATE

53725

ZIP

608-229-6810

PHONE

FAX

The Center for Media and Democracy

If this is a media request, who are you affiliated with.

Jamie Corey
SIGNATURE

1.2.17

DATE

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do NOT send money prior to receiving notification of applicable fees and the exact amount due.

RETURN FORM TO: Oklahoma Office of the Attorney General
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
Phone: (405) 522-4430 Fax: (405) 522-0669
Email: openrecordsrequests@oag.ok.gov



Exhibit 15

January 2, 2017

Dear Records Officer,

Pursuant to the Oklahoma open records law, I request access to and a copy of all records that pertain to the following entities:

-Rule of Law Defense Fund ("RLDF")

The scope of this request includes Attorney General Scott Pruitt, First Assistant Attorney General Tom Gruber and former First Assistant Attorney General Michael Hunter. The request should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records.

The search for records may be limited to those sent and received between January 1, 2015 and the date of your final response.

Please note that this request includes all emails sent and received on official state email accounts, as well as any other email accounts that have been used for official business.

I request that these records be provided in electronic form. The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$20.

If the cost would be greater than this amount, please notify us. Please provide a receipt indicating the charges for each document.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s). As allowed by Oklahoma state law, please provide all portions of releasable material, even if there is redacted material on the page or record.

Sincerely,

Jamie Corey
Center for Media and Democracy
PO Box 259010
Madison, WI 53725

OPEN RECORDS ACT REQUEST

Oklahoma Office of the Attorney General

☒ Media ☐ General Public

Information Requested: Please state with specificity the nature of your request, the records you seek, and the applicable time frames.

Please see attached.

Jamie@prwatch.org

E-MAIL ADDRESS

Purpose of Request: ☐ Personal ☐ Commercial ☒ Public Interest

Jamie Corey

NAME OF PERSON MAKING REQUEST (Please Print Name)

PO Box 259010

ADDRESS

Madison

CITY

WI

STATE

53725

ZIP

608-229-6810

PHONE

FAX

The Center for Media and Democracy

If this is a media request, who are you affiliated with.

Jamie Corey
SIGNATURE

1.2.17

DATE

You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 24A.30. Do NOT send money prior to receiving notification of applicable fees and the exact amount due.

RETURN FORM TO: Oklahoma Office of the Attorney General
313 N.E. 21st St.
Oklahoma City, Oklahoma 73105
Phone: (405) 522-4430 Fax: (405) 522-0669
Email: openrecordsrequests@oag.ok.gov



Exhibit 16

January 2, 2017

Dear Records Officer,

Pursuant to the Oklahoma open records law, I request access to and a copy of all records that pertain to the following entities:

- Republican Attorneys General Association ("RAGA")
- Rule of Law Defense Fund ("RLDF")

The scope of this request includes Solicitor General Patrick Wyrick and should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records.

The search for records may be limited to those sent and received between January 1, 2015 and the date of your final response.

Please note that this request includes all emails sent and received on official state email accounts, as well as any other email accounts that have been used for official business.

I request that these records be provided in electronic form. The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$20.

If the cost would be greater than this amount, please notify us. Please provide a receipt indicating the charges for each document.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s). As allowed by Oklahoma state law, please provide all portions of releasable material, even if there is redacted material on the page or record.

Sincerely,

Jamie Corey
Center for Media and Democracy
PO Box 259010
Madison, WI 53725



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

January 5, 2017

Jamie Corey
Center for Media and Democracy
P.O. Box 259010
Madison, WI 53725

Sent via Electronic Mail

Re: Open Records Act request, our internal number 17 ORA 2.

Dear Ms. Corey,

This letter is to acknowledge your email, dated January 2, 2017, in which you make an Open Records Act request, regarding the following:

The scope of this request includes Attorney General Scott Pruitt, First Assistant Attorney General Tom Gruber and former First Assistant Attorney General Michael Hunter. The request should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records.

Oklahoma's Open Records Act, 51 O.S.2011 & Supp.2016, §§ 24A.1 – 24A.30, requires an agency to provide "prompt, reasonable access" to records while employing reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. 51 O.S.Supp.2016, § 24A.5(5).

Currently, the Attorney General's Office is working on a considerable number of requests from media, law firms, public interest groups, and others, many of which request thousands of pages of records. Further, these requests are at various stages of the review process, i.e., intake, record search, legal review, and redaction of confidential information captured by search, etc. We process these requests in the order in which they are received, ensuring fairness to all who make requests. We will respond as quickly as possible and will notify you once the search is complete.

Finally, please be advised that many exemptions and exceptions exist under Oklahoma's Open Records Act. For example, one such exception specifically permits us to maintain the confidentiality of our litigation files. *Id.* § 24A.12. If your search implicates any of these exemptions or exceptions, it may take additional time to assemble, review, and fulfill your records request.

Sincerely,



Sarah A. Greenwalt
GENERAL COUNSEL TO THE ATTORNEY GENERAL



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

January 5, 2017

Jamie Corey
Center for Media and Democracy
P.O. Box 259010
Madison, WI 53725

Sent via Electronic Mail

Re: Open Records Act request, our internal number 17 ORA 1.

Dear Ms. Corey,

This letter is to acknowledge your email, dated January 2, 2017, in which you make an Open Records Act request, regarding the following:

[A]ccess to and a copy of all records that pertain to the following entities:
-Republican Attorneys General Association ("RAGA")
-Rule of Law Defense Fund ("RLDF")

The scope of this request includes Solicitor General Patrick Wyrick and should include but is not limited to emails, attachments, both sent and received, all agendas, briefing books, memos, draft records, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records.

Oklahoma's Open Records Act, 51 O.S.2011 & Supp.2016, §§ 24A.1 – 24A.30, requires an agency to provide "prompt, reasonable access" to records while employing reasonable procedures to protect the integrity and organization of the records and to prevent excessive disruption of the agency's essential functions. 51 O.S.Supp.2016, § 24A.5(5).

Currently, the Attorney General's Office is working on a considerable number of requests from media, law firms, public interest groups, and others, many of which request thousands of pages of records. Further, these requests are at various stages of the review process, i.e., intake, record search, legal review, and redaction of confidential information captured by search, etc. We process these requests in the order in which they are received, ensuring fairness to all who make requests. We will respond as quickly as possible and will notify you once the search is complete.

Finally, please be advised that many exemptions and exceptions exist under Oklahoma's Open Records Act. For example, one such exception specifically permits us to maintain the confidentiality of our litigation files. *Id.* § 24A.12. If your search implicates any of these exemptions or exceptions, it may take additional time to assemble, review, and fulfill your records request.

Sincerely,



Sarah A. Greenwalt
GENERAL COUNSEL TO THE ATTORNEY GENERAL

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Oklahoma, [USA](#)

Oklahoma Public Records Guide

Oklahoma Open Records Act (ORA)

[OK Title 51, Sections 24A.1-30](#)

Established 1959.

Oklahoma has no mandatory response times, no administrative appeals process, and no requirement of citizenship to request. In general, fees are limited to the actual cost of copying unless the request is unusually burdensome or a fully commercial request. Agencies must designate a public records officer to receive and process requests.

The legislature and judiciary are subject to the public records insofar as requested records detail the receipt or

expenditure of public funds. Executive records are generally subject to the public records law except when they're specifically exempted.

The Law

- No deadlines for response
- No appeals process
- Generally fees are limited to direct copying costs, and are waived if request is in public interest

Supplemental

[Oklahoma State general agency records retention schedule](#) [Oklahoma State records retention schedule for universities and colleges](#)

The Details

Can you submit a request if you're not a resident?

Yes.

To whom does this apply?

Executive?

Yes.

Legislative?

Yes, but only to the extent that the records detail the receipt or expenditure of public funds.

Judicial?

Yes, but only to the extent that the records detail the receipt or expenditure of public funds.

Who is exempted?

No one.

Is there a designated records custodian?

Yes, each public body designates a records custodian under OKLA. STAT. tit. 51, §3167-24A.5(6).

How long do they have to respond?

There is no statutory timeframe for a response, although agencies are expected to provide "prompt, reasonable access."

Does the agency have to give you a tracking number or estimated date of completion?

No.

Can they ask why you ask?

Not beyond what is required for them to fulfill their obligations under the law.

What enforcement?

There is no formal appeal process, so litigation is the primary enforcement mechanism. Officials found guilty of violating the act may be fined up to \$500.

Fees?

Request fees are generally limited to the direct cost of materials required in fulfilling the request and not to exceed 25 cents per page for 8 1/2 by 14 inches or less. However, requests deemed purely commercial (which does not include media requesters) or which would be unduly burdensome may recover fees for search time.

Are there fee waivers for media requests or those made in the public interest?

Fees are not to be charged for requests in the public interest unless the request is disruptive to the agency's day-to-day duties.

Attorney's fees - Can you win them?

Yes.

Exemptions and Appeals**What exemptions exist?**

[According to NFOIC](#), exemptions cover state evidentiary privilege; real estate appraisals; personnel records; registration files of sex offenders; public officials' personnel notes; business-related bids; computer programs; medical market research; and certain educational records including student records.

Do they have to tell you why a portion or pages were redacted or withheld?

Yes.

How much time do you have to appeal?

Not applicable.

Can you appeal to the courts?

Yes.

Resources

Organizations

[FOI Oklahoma](#)

Attorneys and Law Firms

The following attorneys and law firms have practiced public records law. Names marked with an asterisk have indicated a willingness to offer pro bono services on a case by case basis.

There are currently no experienced public records law attorneys that we know of in Oklahoma. Write to us at info@MuckRock.com if you know of any and want to help us out!

Successful appeals

News Stories on Public Records Laws in the State

[NM public records requests are answered slowly or not at all](#)

Blogs and feeds primarily focused on public records in Oklahoma

Public Records Guide and Advice

[Oklahoma exemptions discussion](#)

Newsletters

[Let us know](#)

Big FOIA wins

Have a public records success story? [Let us know!](#)

Stats

Request Record

138 Filed

54 Completed

6 Rejected

37 No Responsive Documents

14 Awaiting Acknowledgement

11 Awaiting Response

10 Requiring Action

Appeals

None

Allowed Response Time

No limit

Average Response Time

68 days

Success Rate

36.96%

Average Fee

\$57.54

4.35% of requests have a fee

Top Agencies [See All](#)

Agency	Requests	Pages Released
Tulsa Police Department	70	322
Department of Corrections	33	199
Oklahoma City Police Department	25	147
State Capitol Preservation Commission	20	35
Office of the Attorney General - Oklahoma	15	99
Office of Management and Enterprise Services	15	89
Oklahoma Department of Human Services	13	5
Oklahoma Department of Public Safety	13	5
Office of the Governor of Oklahoma	10	301
City of Cushing (OK)	9	7

Top Localities [See All](#)

Jurisdiction	Requests	Pages Released
Tulsa, OK	72	394
Oklahoma City, OK	35	157
Cushing, OK	9	7
Oklahoma County, OK	7	18
Watonga, OK	6	7
Payne County, OK	5	0
Sayre, OK	5	8
Norman, OK	3	5
Lawton, OK	3	0
Pittsburg County, OK	3	212

Submit a Change Required

Please describe the change in sufficient detail.

 [File a Request](#)

Share

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-  Twitter
-  [Email](#)
-  Reddit

Recently completed requests [See All](#)

Completed

[1 file](#)

[Request for homicide statistics \(Tulsa Police Department\)](#)

[Ann Givens](#) sent this request to the [Tulsa Police Department](#) of [Tulsa, OK](#)

Completed

[City policies regarding Civilian Oversight of Police \(Tulsa Police Department\)](#)

[Samuel Sinyangwe](#) sent this request to the [Tulsa Police Department](#) of [Tulsa, OK](#)

Completed

[1 file](#)

[Recount policies/procedures/costs \(Office of the Attorney General - Oklahoma\)](#)

[Beryl Lipton](#) sent this request to the [Office of the Attorney General - Oklahoma](#) of [Oklahoma](#)

Completed

[4 files](#)

[National Pollution Discharge Elimination System data file for Oklahoma](#)

[Joe Wertz](#) sent this request to the [Department of Environmental Quality](#) of [Oklahoma](#)

Completed

[2 files](#)

[Tulsa internal affairs records](#)

[Andrew Quemere](#) sent this request to the [Tulsa Police Department](#) of [Tulsa, OK](#)

Completed

[Oklahoma](#)

[Jason Koebler](#) sent this request to the [Office of Management and Enterprise Services](#) of [Oklahoma](#)

Completed

[12 files](#)

[tulsa police response](#)

[Alexander Yablon](#) sent this request to the [Tulsa Police Department](#) of [Tulsa, OK](#)

Completed

[5 files](#)

[Persistent Surveillance Systems Invoices \(Oklahoma City Police Department\)](#)

[Brandon Smith](#) sent this request to the [Oklahoma City Police Department](#) of [Oklahoma City, OK](#)

Completed

[2 files](#)

[1033 Program Compliance Reviews \(Office of Management and Enterprise Services\)](#)

[Daniel Welch](#) sent this request to the [Office of Management and Enterprise Services](#) of [Oklahoma](#)

Completed

[1 file](#)

[City Employee Salary Information \(Tulsa\)](#)

[Shane Snow](#) sent this request to the [Finance Department](#) of [Tulsa, OK](#)

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