



January 17, 2023

**VIA Electronic Delivery**

Kansas Governmental Ethics Commission  
901 S. Kansas Ave  
Topeka, KS 66612  
785-296-4219  
[KGEC\\_Ethics@ks.gov](mailto:KGEC_Ethics@ks.gov)

**Re: Kansas Open Records Act Request**

Dear Custodian of Records:

Pursuant to the Kansas Open Records Act (“KORA”), Kan. Stat. Ann. §§ 45-215–45-254 (West 2022), Democracy Forward Foundation (“DFF” or “Democracy Forward”) submits this request for records.

***Background***

On January 6, 2023, Attorney General-elect Kris Kobach confirmed the hiring of Kansas State Senator J.R. Claeys as his senior adviser. In addition to serving as the Attorney General’s senior adviser, Claeys also plans to retain his position in the senate.<sup>1</sup> The following week, the Topeka Capital Journal reported that, according to Claeys, he had “cleared the potential move with the Kansas Governmental Ethics Commission.”<sup>2</sup>

***Records Requested***

Democracy Forward requests that the Governmental Ethics Commission produce the following:

1. Any advisory opinions, letters, or other forms of guidance, formal or informal, issued by the Kansas Ethics Commission related to the employment of State Senator J.R. Claeys by the Kansas Office of the Attorney General.
2. All correspondence, memos, briefs, reports or other communications containing facts relied upon by the Commission in conjunction with any guidance provided by Kansas

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<sup>1</sup> Brad Cooper, *Claeys Joining Attorney General’s Office; Plans To Stay in Senate*, Sunflower State J. (Jan. 7, 2023), <https://sunflowerstatejournal.com/claeys-joining-attorney-generals-office-plans-to-stay-in-senate/>.

<sup>2</sup> See Andrew Bahl, *Prominent Kansas Senate Republican To Pull Double Duty As Kris Kobach Adviser, Legislator*, Topeka Cap. J. (Jan. 12, 2023), <https://www.cjonline.com/story/news/politics/elections/2023/01/12/kansas-lawmaker-to-advise-kris-kobach-remain-in-state-legislature/69799613007/>.

Ethics Commission related to the employment of State Senator J.R. Claeys by the Kansas Office of the Attorney General.

### ***Scope of Search***

Please search for records dated June 1, 2022 to the present.

In searching for responsive records, please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. However, please exclude publicly available materials such as news clips that mention otherwise responsive search terms, unless the records contain additional discussion or commentary from State employees or contacts at the organizations listed above.

The Public Records Law requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. Kan. Stat. Ann. § 45-221. In the event that the Ethics Commission wishes to deny the right to inspect or obtain a copy of requested records, we request a written statement from the Commission of the grounds for denial, citing the laws or regulations under which access is denied. *Id.* § 45-218(d). We also reserve the right to appeal any decisions denying the inspection of requested records to the state's district courts. *Id.* § 45-222.

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in a searchable, electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within three business days as required by section 45-218(d). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period.

### ***Request for Fee Waiver***

Democracy Forward requests a waiver of document search, review, and duplication fees associated with processing records for this request.

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward has a demonstrated ability to

disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public's understanding of the context surrounding the employment of State Senator J.R. Claeys by the Kansas Office of the Attorney General. Indeed, records received by Democracy Forward have previously formed the basis of news reports.<sup>3</sup>

## Conclusion

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<sup>3</sup> See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *"Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), [https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut\\_us\\_5c115061e4b084b082ff8dba](https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba); Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron'*, Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), [https://m.huffpost.com/us/entry/us\\_5bd9ff6ee4b01abe6a1ad4a9](https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9); Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records, please contact me as soon as possible at [foia@democracyforward.org](mailto:foia@democracyforward.org).

We appreciate your assistance and look forward to your prompt response.

Sincerely,

*/s/ Megan J. Uzzell*

Megan J. Uzzell

Director of Strategic Initiatives & External Affairs

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043