

Brian West

McAlester, OK
brian@mcalester.net

24 September 2026

Sam Rhyne, Superintendent, Kiowa Public Schools (Independent School District I-014), who has asked to be the contact for this request

PO Box 6 / 406 E. 8th Street, Kiowa, OK 74553 · srhyne@kiowa.k12.ok.us · 918-432-5641 ext. 222

Copy: The superintendent's secretary, whom policy GBA names as the district's custodian of public records, and the clerk of the Board of Education

Re: Open Records Act request — the Emerald ProjectCo Data Center Project Plan and Tax Incentive Agreement; the district's seat on the review committee

Under the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., I request to inspect and obtain copies of the following records of Kiowa Public Schools and its Board of Education, including records held by its superintendent, board members individually, the board clerk, administrators, attorneys and other representatives, regardless of medium and regardless of the account or device on which they were created, sent or received.

1. **Communications.** All emails, text and app messages, letters, memoranda, meeting notes, calendar entries and voicemail transcriptions sent or received by the superintendent, any board member, the board clerk or any district employee that contain or refer to any of the following, which I offer as the search terms for this item: Emerald ProjectCo Inc.; "Project Emerald", "Emerald" or "EmeraldCo"; the Emerald ProjectCo Data Center Project; IREN, IREN Limited, Iris Energy, IE US Holdings Inc. or any affiliate; Jason Date, Evan Horn, Marat Ahmad, Lindsay Ward, Michel Skura, Jonathan Gray, Gerald Byrd, David Shaw or Giles Walsh; Black Mountain Energy Storage, Carolyn O'Brien (sometimes written Caroline) or Dan Ditto; Tipton Capital, Mitch Stevenson, Ernst & Young or ISB Group (John Dorff), in connection with the project; Floyd & Driver PLLC or David Floyd, in connection with the project; Public Service Company of Oklahoma or Jonathan Wynn, in connection with the project; the PCDC Tax Incentive District Review Committee under any name; or, in connection with a data center, "TID", "TIF", "incentive district", "tax increment", "abatement", "data center" or "data centre".
2. **The committee seat.** All records created or received by the superintendent as the district's representative on the PCDC Tax Incentive District Review Committee: agendas, packets, drafts, projections, counsel's questions and the developer's responses, and his notes or summaries.
3. **The Childress visit.** Invitations, itineraries, travel and expense records, reimbursements, notes, photographs and correspondence for the visit by committee members to IREN's Childress, Texas facility, including who arranged it and who paid.
4. **Board records.** Every agenda, agenda packet, minute entry, recording and executive-session notice of the Board of Education that mentions the project, the incentive districts, the Tax Incentive Agreement, community betterment payments, or the projected revenue to the district.
5. **What the district was given.** Every document the developer, its advisers or the county's counsel provided to the district, including revenue projections such as the figure of about \$11 million in the first year reported in May 2026, and any Tax Incentive Agreement draft sent for the district's 60- or 90-day review.
6. **Confidentiality.** Any non-disclosure, confidentiality or exclusivity agreement, or request for one, involving the district, the superintendent or any board member and any party named in item 1.

Period. 1 January 2025 to the date you process this request. For items that name a specific company or person, please apply no start date: those names did not appear in your records before then, so a floor adds nothing but the risk of a miss.

Specificity. This request is framed to meet 51 O.S. § 24A.5(7): the period above is the time frame, each numbered item seeks identifiable records rather than general information, and the names and phrases listed are the search terms to run. If you consider any item still not reasonably specific, tell me which one and what you need, and I will narrow it by return rather than have the request denied on that ground.

Format. Electronic, in native format with attachments and metadata intact (for example .eml or .msg, .docx, .xlsx), or searchable PDF where no native file exists. Please produce on a rolling basis as records are located rather than holding everything for one release.

Fees. This request is not for a commercial purpose. It is made by a county resident and taxpayer to determine whether those entrusted with public affairs are performing their duties, the purpose for which 51 O.S. § 24A.5 forbids a search fee. I will pay copying at the statutory rate. If you expect the cost to exceed \$50, please send an estimate before incurring it and I will narrow the request or inspect the records in person, which the Act allows at no charge. Should you require advance payment under § 24A.5(4), send the estimate and I will remit it promptly; please do not treat the request as paused before the estimate reaches me. Thank you for sending the board's policy; it settles the fee question without recourse to the statute. Policy **GBA**, after providing for copying costs and for search time where a request is solely commercial or would cause excessive disruption, says: "In no case shall a search fee be charged for records sought in the public interest including, but not limited to, releases to the news media, scholars, authors, and taxpayers seeking to determine whether officials of the district are honestly, faithfully, and competently performing their duties as public servants." GBA-R ¶3 repeats it, and form GBA-E binds a requester to a search fee only where the request is solely commercial or excessively disruptive. This one is neither. I will pay copying at the GBA schedule — \$0.25 a page, \$1.00 where a certified copy is needed — in advance as the policy requires, and if it comes to any real money send the figure first and I will narrow the request or inspect the file at the administration building instead.

Withholding. If any record or part of one is withheld, please identify it (date, author, recipient, subject) and cite the specific statutory exemption, and release every reasonably segregable portion as § 24A.5 requires. Messages about public business on personal accounts or devices are records under 2009 OK AG 12. A record does not become confidential because it was placed in a litigation or investigation file (§ 24A.20). The district's decision is the one taxing-entity decision the plan cannot proceed without, which is why its file matters to the public. Two points from the board's own policy. That a document can also be seen at the courthouse does not put it outside this request: what is asked for here are the district's records, including those the superintendent created or received as the district's representative on the review committee. And regulation **GBA-R** lists what the district withholds — personnel investigations, personal privacy, lawful executive session, terrorism and IT security, home addresses and social security numbers (¶1), and as confidential only student records, lesson plans and communications about individual students (¶4). Nothing in that list reaches a project plan, a tax incentive agreement or the review committee's papers. GBA-R ¶2 lets the superintendent or the district's attorney *consider* whether a record is exempt, which is not a power to make one confidential by marking it so. If anything is withheld, please say what and under which paragraph.

Response. Please acknowledge receipt and tell me when I can expect the first production; the Act requires prompt, reasonable access (§ 24A.5). I am glad to talk through scope by phone if it will speed things up.

Responding online. You may also reply through the page set up for this request, whose address and code appear on the mailed copy. It lets you confirm receipt, upload records, send a written response, or tell me when you expect to produce. What you write goes on the public register as received; files are published there after they have been read for a third party's personal information, which this site does not keep. A reply by post or email is equally welcome.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian West", with a stylized flourish at the end.

Brian West
brian@mcalester.net