



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

January 8, 2015

W.A. Drew Edmondson, Esq.  
Gable Gotwals Counsel  
211 North Robinson  
One Leadership Square  
15<sup>th</sup> Floor  
Oklahoma City, OK 73102

Via Certified Mail

Re: Investigation of the Humane Society of the United States

Dear Mr. Edmondson:

Our office is in receipt of your November 26, 2014 letter acknowledging our formal demand for compliance with our previously-issued Civil Investigative Demand ("CID"), asserting privilege and requesting a confidentiality agreement for access to "proprietary" information. This letter addresses the points you raised in your letter.

In your letter, you point out that the stated purpose of our CID to the Humane Society of the United States ("HSUS") "is to investigate the solicitation conducted within Oklahoma by HSUS, particularly any action taken in the aftermath of the May 2013 tornadoes." We would like to clarify this misunderstanding HSUS has. We never stated that the purpose of our CID was to investigate the solicitations related to the May 2013 tornadoes. Rather, in our initial letter, we acknowledged our concern that your solicitations and advertisements "give donors the impression that the funds donated to HSUS are used in connection with local area shelters." We followed up with the May 2013 tornado as an example. Our interest and concern in general, however, continued to grow after becoming aware of how alarmingly misleading HSUS's solicitations actually are.

Next, you addressed HSUS's assertion of privilege and proprietary protection. We agree that HSUS has the right to withhold documents subject to the attorney-client privilege. However, from material surrounding the information claimed as privileged, we are skeptical of HSUS's assertion of the attorney-client privilege. The information leading up to these redactions leads us to believe that some of the redacted information involves business inquiries and advice, rather than legal advice that the privilege protects.

W.A. Drew Edmondson, Esq.

January 8, 2015

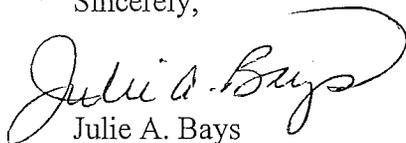
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Furthermore, a CID recipient is not protected by the assertion of a proprietary privilege. Moreover, a proprietary privilege does not exist under Oklahoma law and therefore is not protected from the reach of a CID. A CID issued pursuant to the Oklahoma Solicitation of Charitable Contributions Act, 18 O.S. § 552.14a, provides a confidentiality assurance to the recipient. Any information, documentation or material provided pursuant to a CID must remain confidential unless an enforcement action arises out of the investigation, then the information may be used in litigation. If litigation does not ensue, the information gathered through a CID remains confidential and unavailable for public viewing.

You also expressed concern of Attorney General Pruitt publically referencing our investigation of HSUS. Attorney General Pruitt has never publicly discussed any confidential information our office received through the protections of the CID. Additionally, the fact that our office initiated an investigation is not protected information under any statute. Therefore, the Attorney General may and has publicly referenced our concern with the HSUS solicitations.

Please consider this correspondence as our final request for HSUS to provide our office with the information and documents outlined in our previously-issued CID on or before January 16, 2015. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Bays". The signature is written in black ink and is positioned above the printed name.

Julie A. Bays

Assistant Attorney General

Chief, Public Protection Unit