

# Exhibit K



September 13, 2022

Federal Bureau of Investigation  
Attn: FOI/PA Request  
Record/Information Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records to the Federal Bureau of Investigation (“FBI”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Justice (“DOJ”) regulations.

Specifically, CREW requests the following records from December 1, 2020 through the date this request is processed:

1. All interview notes, summaries, memoranda, video recordings, audio recordings, or other records concerning Pennsylvania state Senator Douglas Mastriano. This request includes without limitation records concerning FBI interviews with Senator Mastriano, which his attorney has publicly acknowledged took place,<sup>1</sup> as well as FBI interviews with other individuals who discussed Senator Mastriano.
2. All records provided by Senator Mastriano to the FBI.
3. All complaints, tips, referrals, allegations, or other submissions received by the FBI relating to Senator Mastriano.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without

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<sup>1</sup> Farnoush Amiri and Marc Levy, Mastriano willing to talk to Jan. 6 committee, spoke to FBI, *Associated Press*, June 2, 2022, <https://apnews.com/article/capitol-siege-2022-midterm-elections-pennsylvania-government-and-politics-3e0fcd88ac50d00e286e858567483d4c>.

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limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Pennsylvania state Senator Douglas Mastriano is one of several elected officials with ties to the “Stop the Steal” movement and the January 6, 2021 attack on the United States Capitol. According to a majority staff report issued by the U.S. Senate Judiciary Committee, Senator Mastriano “participated in Rudy Giuliani’s so-called election fraud ‘hearings,’ spent thousands of dollars from his campaign account to bus people to the January 6 ‘Save America Rally,’ and was present on the Capitol grounds as the insurrection unfolded.”<sup>2</sup> Senator Mastriano’s attorney has publicly acknowledged Mastriano “sat for a voluntary interview with the FBI” regarding these activities and claims “the FBI cleared him.”<sup>3</sup> This FOIA request seeks records relating to that interview and other records concerning Senator Mastriano’s involvement in the Stop the Steal movement and the January 6 insurrection—issues of substantial public interest.

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<sup>2</sup> *Subverting Justice*, Majority Staff Report, U.S. Senate Committee on the Judiciary, Oct. 7, 2021, <https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>.

<sup>3</sup> Amiri and Levy, Mastriano, *supra* n.1.

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CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

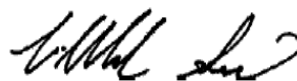
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, [REDACTED]. Thank you for your assistance.

Sincerely,



Nikhel Sus  
Senior Counsel