

CREW | citizens for responsibility and ethics in washington

February 9, 2017

BY EMAIL: OIGFOIA-PrivacyAct@gsaig.gov

OIG Freedom of Information Act Officer
General Services Administration
Office of Inspector General (JC)
1800 F Street, N.W., Room 5326
Washington, D.C. 20405

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and General Services Administration ("GSA") regulations.

First, CREW requests copies of all communications sent to or from Acting GSA Administrator Timothy O. Horne, from January 20, 2017 through January 24, 2017. Second, CREW requests copies of all communications sent to or from Norman Dong, GSA commissioner of the Public Buildings Service, from January 20, 2017 through January 24, 2017.

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 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.

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).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and GSA 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).

On January 20, 2017, Mr. Dong became acting administrator of the GSA. Hours later President Trump replaced Mr. Dong with Mr. Horne, who reportedly “had coordinated the agency’s transition with the Trump team[.]”¹ Mr. Horne’s appointment coincides with a controversy he must now resolve over how to handle the apparent violation of the lease between President Donald Trump’s company and the GSA for the conversion of the Old Post Office building into the Trump International Hotel Washington, D.C. The 60-year lease between President Trump’s company and GSA states, “No . . . elected official of the Government of the United States . . . shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom[.]” Experts have concluded President Trump was in violation of the lease upon being sworn into office on January 20, 2017.²

The requested records would shed light on how the issue of the Trump Hotel DC lease is being handled and whether the controversy surrounding it played a role in the rapid replacement of Mr. Dong with Mr. Horne as acting administrator. The records also would increase public knowledge of how GSA communicates to employees its management changes and decisions.

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 any documents it acquires from this request to the public through its website, www.citizensforethics.org, and through www.scribd.com. 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”).

¹ Isaac Arnsdorf, *Trump Picks Leader for Federal Agency Overseeing his D.C. Hotel*, *Politico*, Jan. 26, 2017 (available at <http://www.politico.com/story/2017/01/trump-picks-gsa-leader-oversee-hotel-234233>).

² Steven L. Schooner and Daniel I. Gordon, *GSA’s Trump Hotel Lease Debacle*, *Government Executive*, Nov. 28, 2016 (available at <http://www.govexec.com/excellence/promising-practices/2016/11/gsas-trump-hotel-lease-debacle/133424/>).

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 a blog that reports on and analyzes 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 all of the documents it receives under the FOIA at www.scribd.com, and those documents have 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 aweismann@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 either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., 6th Floor, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anne L. Weismann', with a long horizontal flourish extending to the right.

Anne L. Weismann
Chief FOIA Counsel