

March 27, 2017

BY FACSIMILE: (202) 501-2727

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 notes, other recordations, and/or materials generated by or concerning meetings held between individuals representing the Old Post Office tenant, Trump Old Post Office LLC, and representatives of GSA on January 31, March 7, and March 15, 2017. These meetings are referenced in the March 23, 2017 letter from GSA Contracting Officer Kevin Terry to Donald J. Trump, Jr. In addition to any notes or documents generated by these meetings this request includes, but is not limited to, documents sufficient to identify who attended each of these meetings on behalf of the tenant and GSA.

Second, CREW requests unredacted copies of the following material included with GSA's March 23 letter: (i) the redacted second sentence of the first paragraph in the Summary of Contribution and Distribution Provisions of Second Amended and Restated Limited Liability Agreement of Trump Old Post Office LLC ("OPO"), and (ii) the nine pages of Exhibit A to the General Summary of Capital Account and Distribution Provisions of The Limited Liability Company Agreements that were redacted in full. For your convenience, I have included as Exhibit A copies of these pages as redacted.

Third, CREW requests copies of all prior transfers in February 2016 involving the Old Post Office tenant, as referenced in the December 16, 2016 letter from Trump Old Post Office LLC to GSA (copy enclosed as Exhibit B).

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). If 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).

The opinion of Contracting Officer Kevin Terry that the Trump Organization is in full compliance with its Old Post Office lease with GSA, as set forth in his letter of March 23, has generated a lot of criticism and controversy. Many experts believe that as long as President Trump continues to be a beneficiary of the lease, he is in violation of its express terms. The requested records would shed light on what forces may have been brought to bear on Mr. Terry's decision, and would provide a more complete factual context for the public's understanding of why President Trump may, consistent with the lease, remain a beneficiary of that lease.

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).

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(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 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 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,



Anne L. Weismann
Chief FOIA Counsel

Encl.

EXHIBIT A

**Summary of Contribution and Distribution Provisions of
Second Amended and Restated Limited Liability Agreement of
Trump Old Post Office LLC ("OPO")**

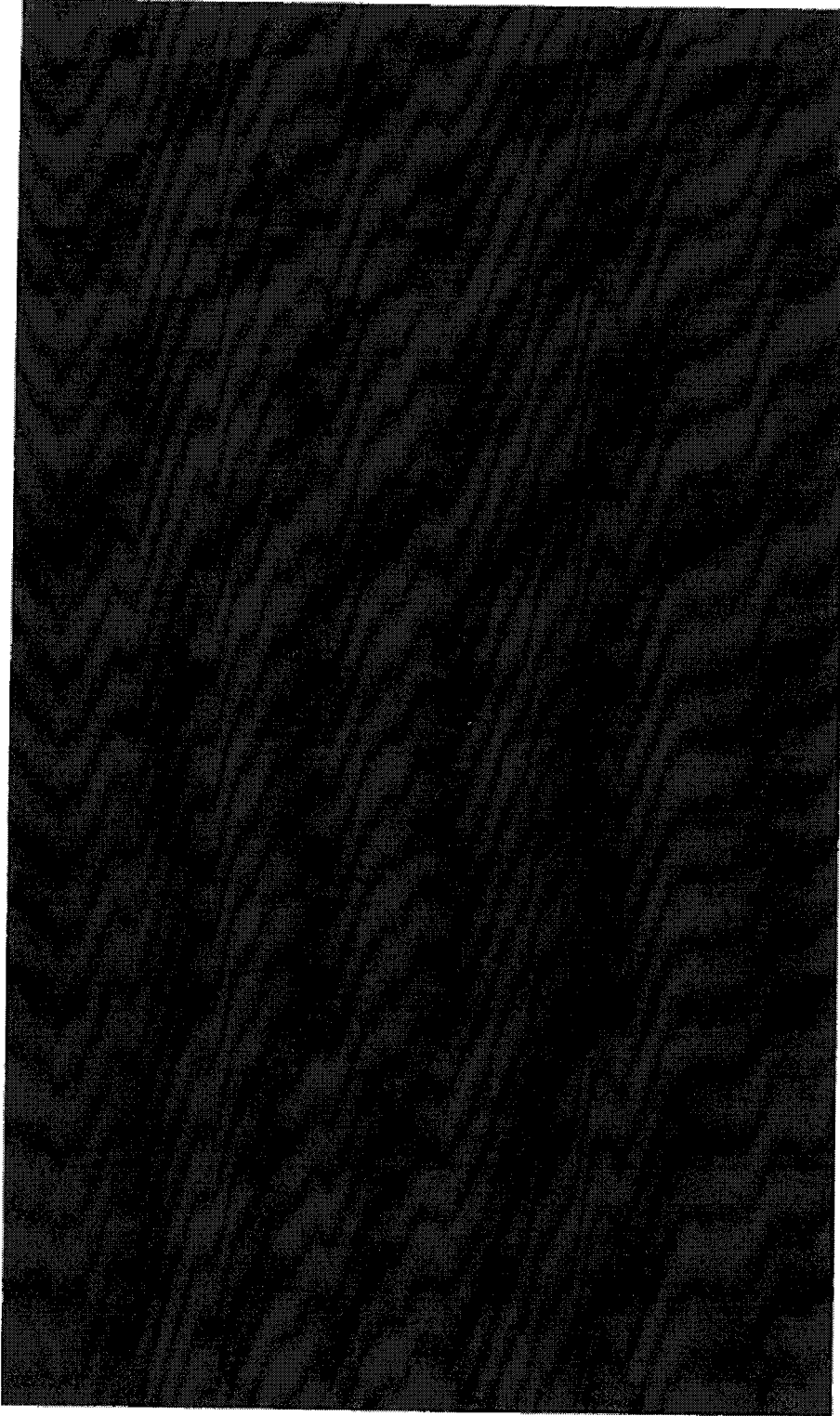
Contributions. Section 2.1 of the Second Amended and Restated Limited Liability Agreement of Trump Old Post Office LLC (the "OPO Agreement") provides for contributions. Contributions are not required or permitted without the unanimous consent of OPO Managing Member and DJT Holdings LLC ("Holdings"). (b) (4)

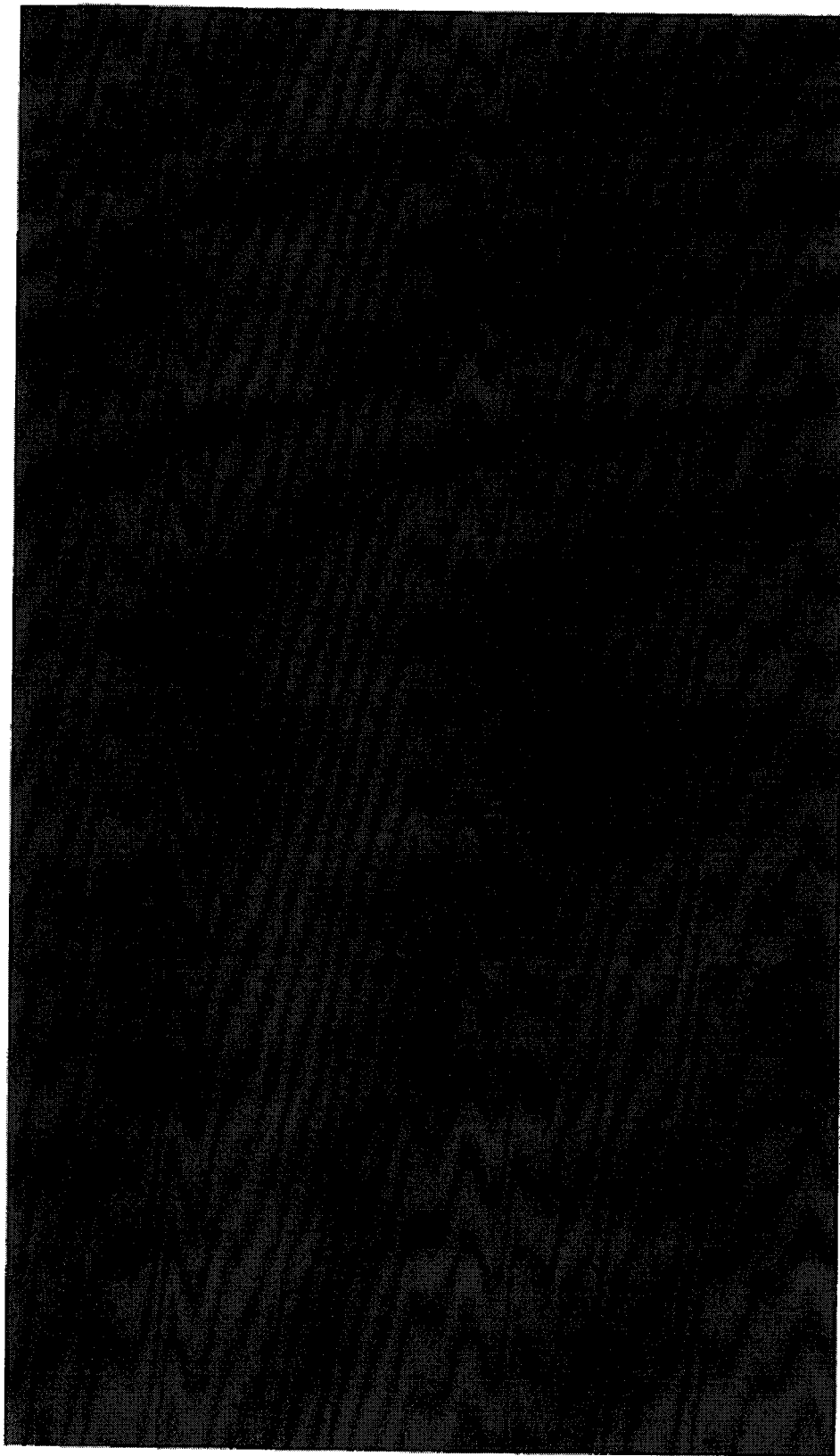
(b) (4) (b) (4)
Generally, any other Member can elect to make all or part of a required contribution, but if Members subscribe for more than the total required contribution, then OPO Managing Member can apportion the subscriptions so that an oversubscribing Member can contribute at least a portion of the contribution that corresponds to that Member's Percentage Interest in OPO.

Distributions. Section 3.2 of the OPO Agreement provides for two types of distributions: distributions that are made from the proceeds of capital transactions (e.g., sales and loans) and ordinary distributions. Distributions of the proceeds of capital transactions are made in proportion to the Members' relative unrecovered capital contribution balances, which are the Member's contributions compounded by an amount computed like 4% interest.

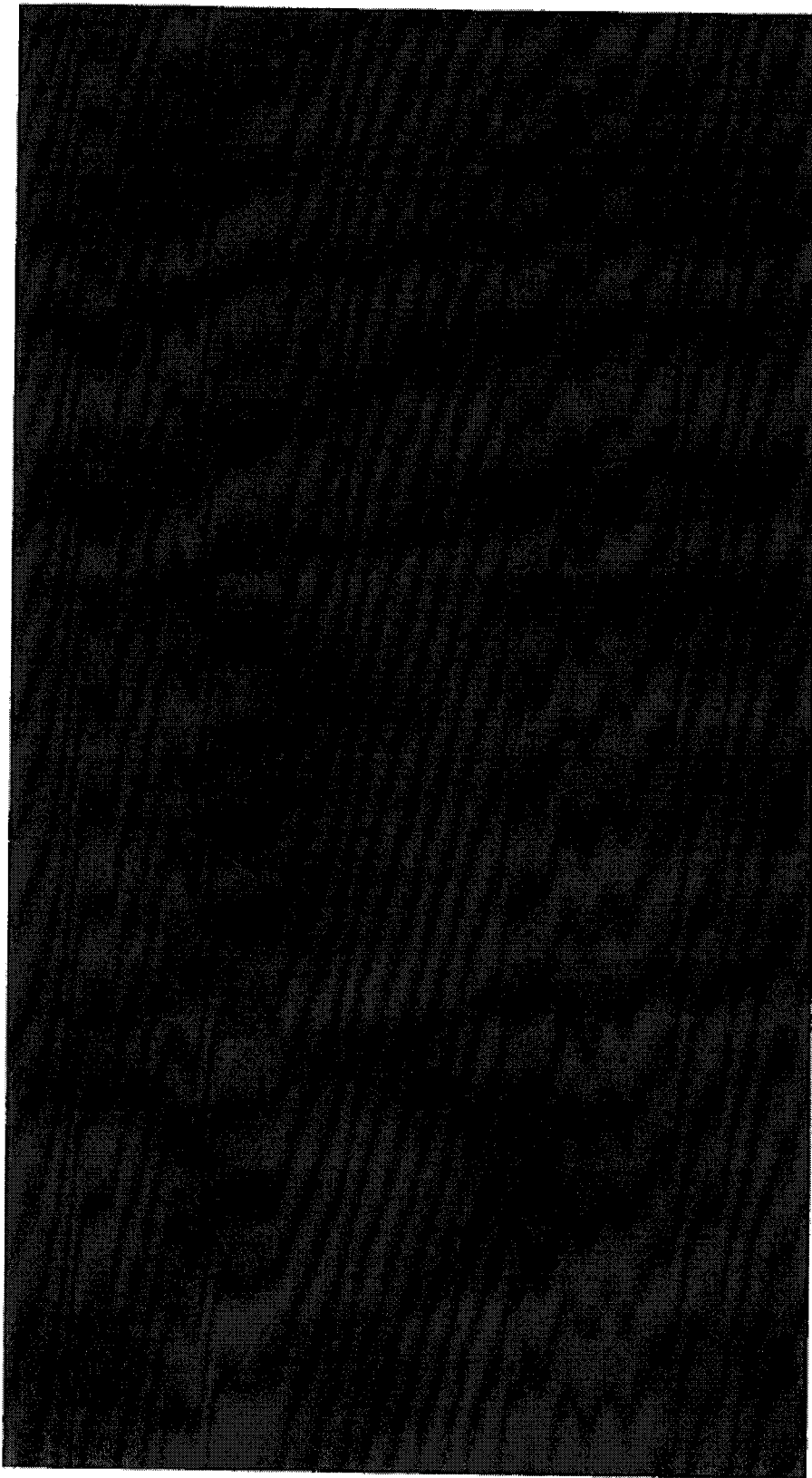
Distributions that are not sourced to capital transactions are made in proportion to the Members' percentage interests.

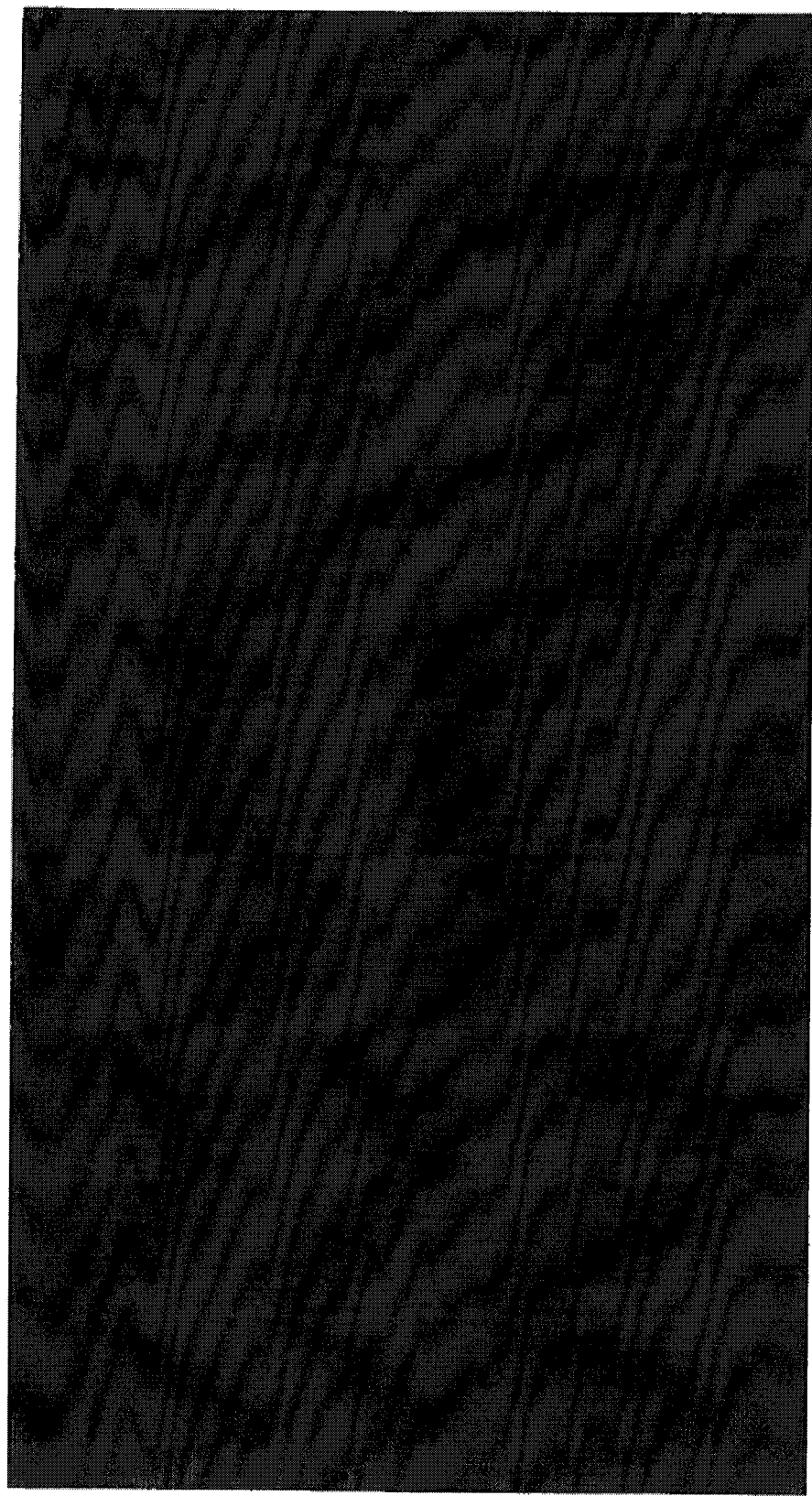
Exhibit A

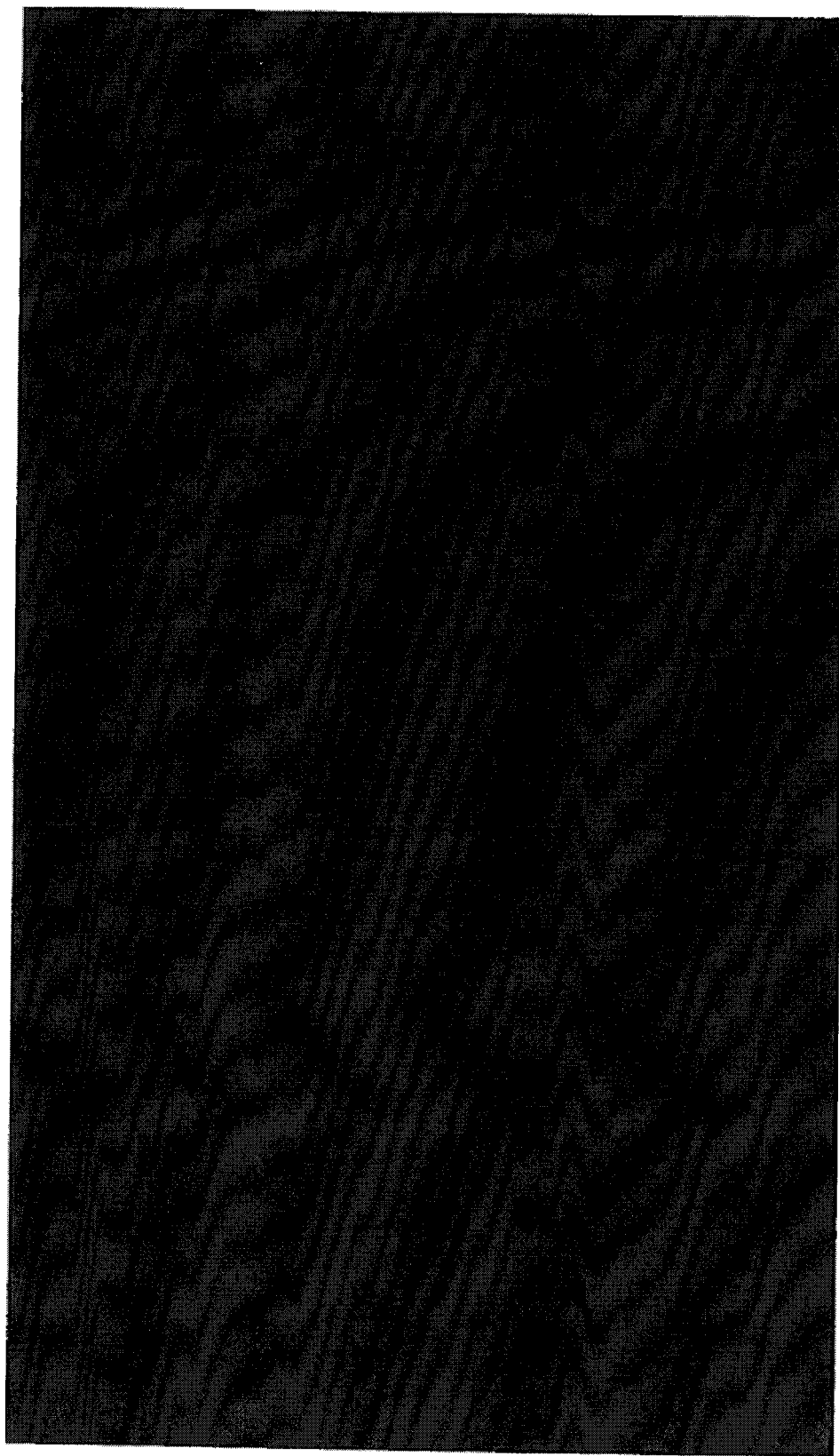


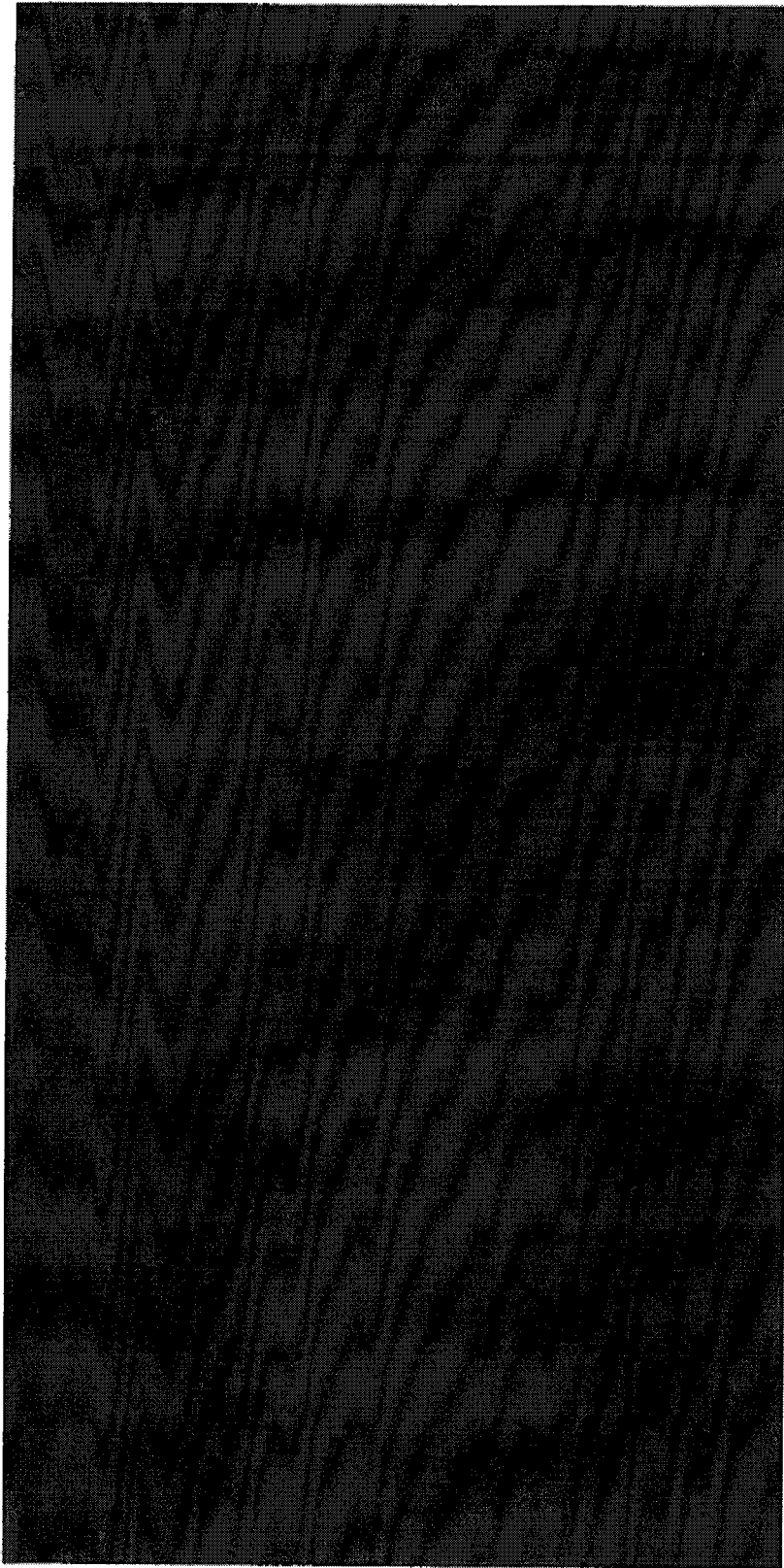


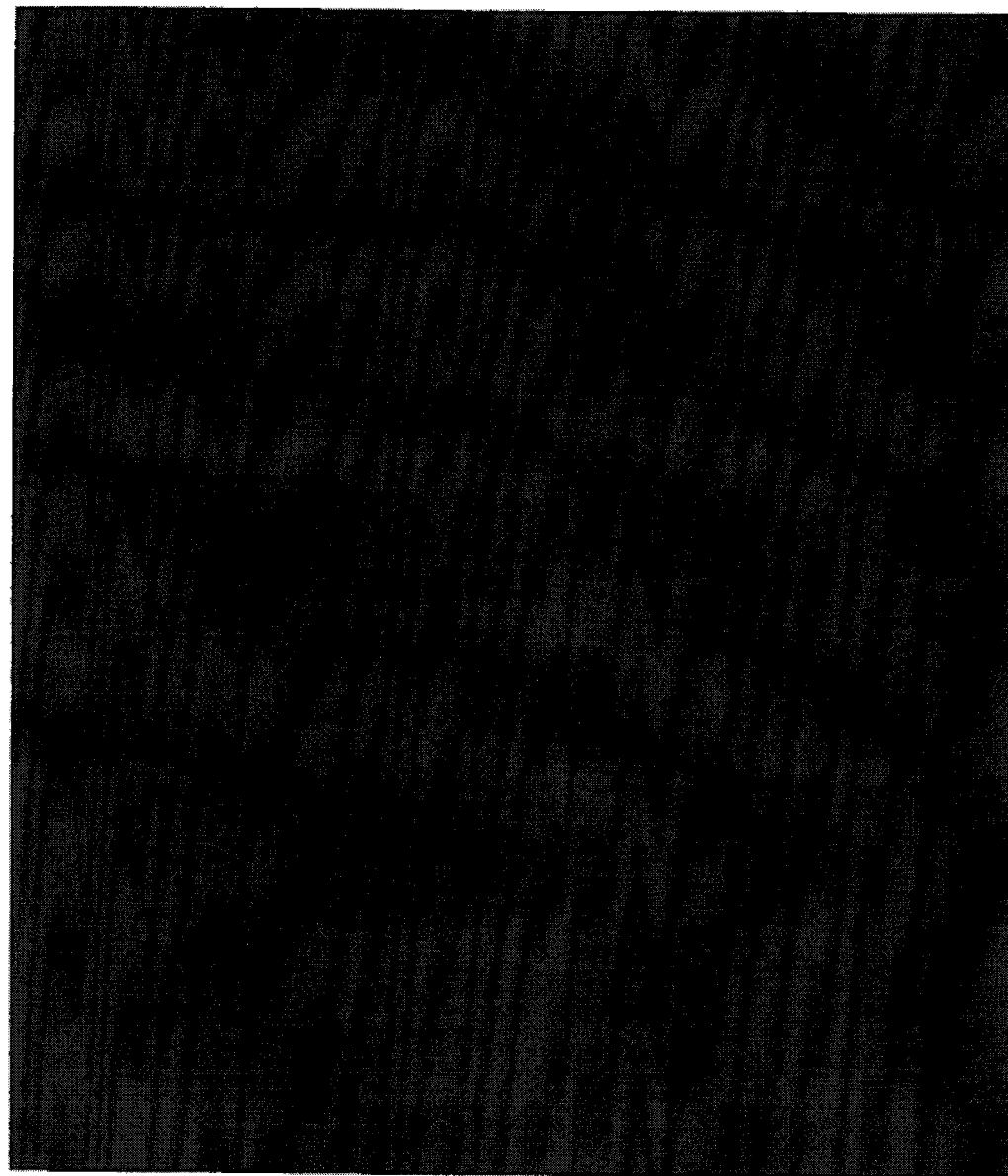
IVANKA OPO LLC











TRUMP OLD POST OFFICE LLC



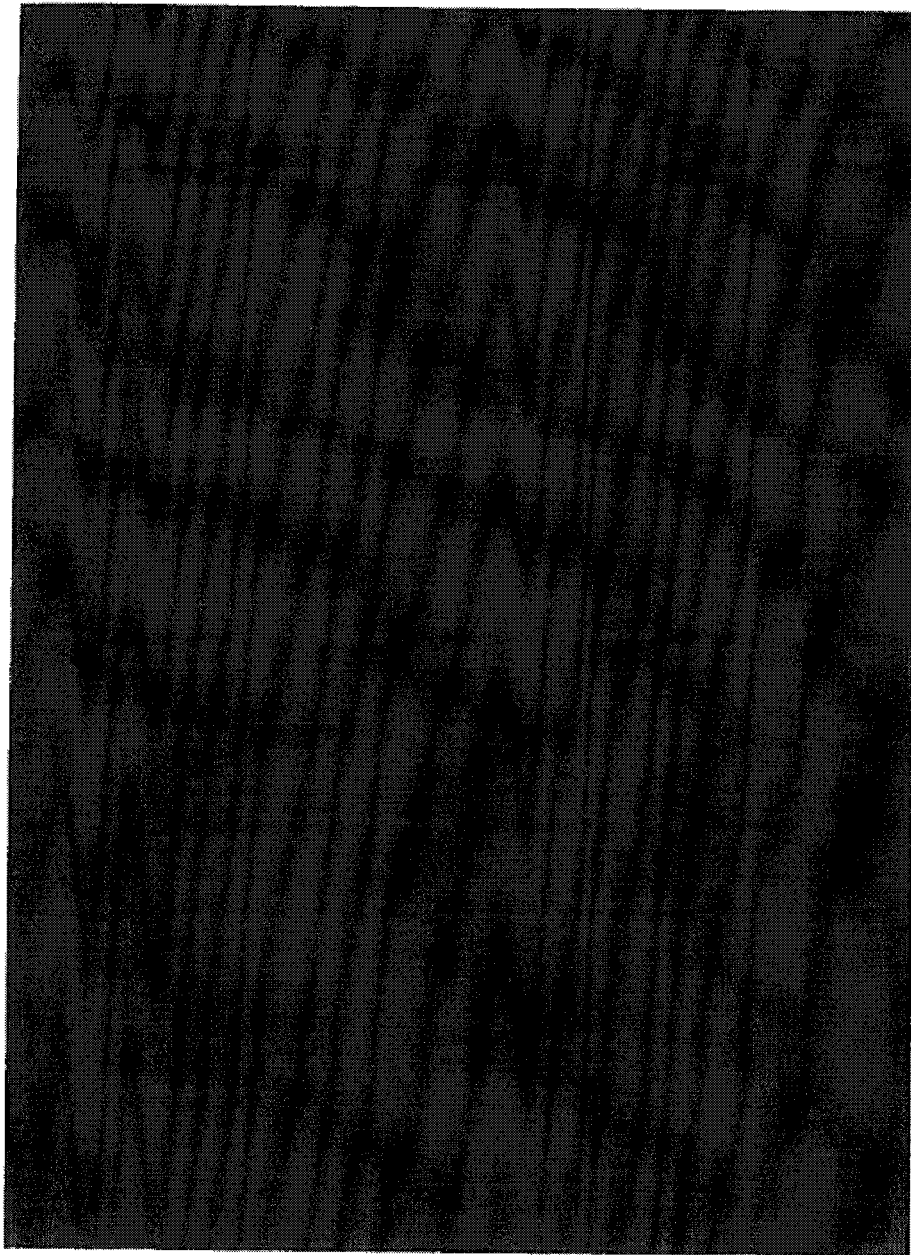


EXHIBIT B

Trump Old Post Office LLC

725 Fifth Avenue, 26th Floor
New York, NY 10022

December 16, 2016

BY OVERNIGHT DELIVERY

United States General Services Administration
Portfolio Management - Suite 7600
7th & D Streets, S.W.
Washington, D.C. 20407
Attention: Kevin Terry

Re: Ground Lease (as previously amended and as may be further amended from time to time, the "Lease"), dated as of August 5, 2013, between the United States of America, acting by and through the Administrator of General Services ("Landlord") and Trump Old Post Office LLC ("Tenant")¹

Dear Kevin:

Please be advised that Donald J. Trump ("Mr. Trump") intends to assign all of his interests in Trump Old Post Office Member Corp to DJT Holdings Managing Member LLC ("Holdings MM", and such assignment to Holdings MM, the "Transfer"). We anticipate the Transfer to be consummated no earlier than January 1, 2017.

Like the prior transfers that occurred in February 2016, the Transfer does not require Landlord's consent under Article XV of the Lease. The Trust is a Trump Family Member, and therefore a Trump Affiliate, because the Trust is a trust for the primary benefit of Mr. Trump. An executed copy of the document consummating the Transfer will be provided to you after the Transfer has been consummated.

¹ Capitalized terms used but not defined herein shall have the meaning given to them in the Lease.

Please do not hesitate to contact us if you have any questions or concerns.

Very truly yours,

TRUMP OLD POST OFFICE LLC,
a Delaware limited liability company

(b) (6)

By: _____

Name: Adam L. Rosen

Title: Authorized Signatory

cc: United States General Services Administration
Office of Regional Counsel, Suite 7048
7th & D Streets, S.W.
Washington, DC 20407
Attn: Regional Counsel

Reno & Cavanaugh PLLC
455 Massachusetts Avenue, NW, Suite 400
Washington, DC 20001
Attn: Barbara Wachter Needle, Esq.