

CREW | citizens for responsibility and ethics in washington

September 25, 2017

BY ELECTRONIC MAIL: os_foia@ios.doi.gov

Clarice Julka
Office of the Secretary
U.S. Department of the Interior
MS-7328, MIB
1849 C Street, N.W.
Washington, D.C. 20240

Re: Freedom of Information Act Request

Dear Ms. Julka:

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 U.S. Department of the Interior ("DOI") regulations.

Specifically, CREW requests:

- (1) Copies of any records documenting who paid for Secretary Ryan Zinke's lunch at the Trump International Hotel in Washington, DC with Bob Pence on July 25, 2017; and
- (2) Copies of any records documenting payments made by DOI to the Trump International Hotel – Washington, D.C., in relation to Secretary Zinke's July 25, 2017 lunch.

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, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

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 DOI 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).

According to Secretary Zinke's personal schedule for July 2017, he participated in an hour-long lunch with Bob Pence at the Trump International Hotel in Washington, DC, which is still majority owned by President Trump through a revocable trust, on July 25, 2017.¹ The lunch marks the second time since Secretary Zinke took office that a visit to President Trump's hotel has appeared on his schedule. On March 23, 2017, Secretary Zinke addressed a meeting of the board of directors of the American Petroleum Institute held at the hotel.² He is also reportedly scheduled to address a meeting of the board of directors of the National Mining Association at the Trump hotel in Washington, DC in early October.³

Since President Trump has refused to divest from his private business interests, ethics experts and lawmakers have raised concerns about taxpayer funds being used at his private businesses, particularly in light of President Trump's frequent trips to his for-profit properties.⁴ The requested records would shed light on whether DOI funds were used to pay for Secretary Zinke's lunch the Trump International Hotel in Washington, DC and whether any taxpayer funds ended up in the coffers of the president's private business.

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

¹ See <https://www.doi.gov/sites/doi.gov/files/uploads/17-01012ca.pdf>; See <http://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2017/04/25171058/Senate-EPW-GSA-Old-Post-Office-lease-4-25-17-1.pdf>.

² Matt Egan, *Oil Lobby Met with Interior Secretary at Trump Hotel*, *CNN*, June 6, 2017, available at <http://money.cnn.com/2017/06/06/investing/oil-lobby-trump-hotel-api/index.html>.

³ Lee Fang and Nick Surgey, *After Massive Giveaways to Industry, Mining Executives Will Spend big at Trump's D.C. Hotel*, *The Intercept*, September 14, 2017, available at <https://theintercept.com/2017/09/14/trump-international-hotel-dc-mining-lobbyists-ryan-zinke/>.

⁴ Drew Harwell and Amy Brittain, *Taxpayers Billed \$1,092 for an official's two-night stay at Trump's Mar-a-Lago Club*, *Washington Post*, September 15, 2017, available at https://www.washingtonpost.com/politics/taxpayers-billed-1092-for-an-officials-two-night-stay-at-trumps-mar-a-lago-club/2017/09/15/e3e5dfdc-97c6-11e7-82e4-f1076f6d6152_story.html?utm_term=.262bbef51888; Julie Bykovicz, *Democratic lawmakers seek federal payments to Trump Business*, *Associated Press*, August 8, 2017, available at <http://www.pbs.org/newshour/rundown/democratic-lawmakers-seek-federal-payments-trump-business/>.

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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. 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 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 documents it receives under the FOIA on its website, 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 mcorley@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 mcorley@citizensforethics.org or at Matt Corley, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Matthew Corley
Chief Investigator