

**CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON**

**v.**

**U.S. DEPARTMENT OF THE TREASURY**

Civil Action No.: 17-1855 RCL

# Exhibit B

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S  
MOTION FOR A PRELIMINARY INJUNCTION**



DEPARTMENT OF THE TREASURY  
WASHINGTON, DC

October 31, 2017

RE: 2017-10-348

Ms. Anne Weismann  
CREW  
455 Massachusetts Ave., NW  
Washington, DC 20001  
Email: [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

**VIA EMAIL**

Dear Ms. Weismann:

This letter acknowledges your Freedom of Information Act (FOIA) request to the U.S. Department of the Treasury, dated August 23, 2017, which you assert was transmitted via fax on that date. Please note that Treasury's Office of FOIA and Transparency has no record of receiving a faxed transmission from CREW around this date, and first obtained a copy of the request on October 3, 2017, after it was provided by counsel subsequent to CREW's lawsuit over this request. Accordingly, we are processing the version of the request that we received on October 3. Your request seeks "copies of all records concerning authorization for and the costs of Treasury Secretary Steven Mnuchin's use of a government plane to travel to Lexington, Kentucky on Monday, August 21, accompanied by his wife Louise Linton." Additionally, you requested "copies of all records concerning authorization for and the costs of Secretary Mnuchin's use of a government plane for any purpose since his appointment as Treasury Secretary."

Treasury's Departmental Offices (DO) has initiated a search for responsive records to your request. We will make every effort to provide you with a timely response; however, please be advised that unusual circumstances exist regarding the search for and review of potentially responsive records. The unusual circumstances are due to a requirement for consultation between two or more Federal offices; therefore, an additional processing extension of (10) days is required to process your request.

I have determined you are a representative of the news media (media). Media requesters are not charged fees associated with search or review and will obtain the first 100 pages of duplication of hard copy records free. Duplication of hard copy records below \$25 are waived. Treasury will make every effort to transmit your final response via email or CD free of charge as well; therefore, your request for a fee waiver is granted.

You have requested expedited processing. The FOIA states that "each agency shall promulgate regulations ... providing for expedited processing of requests for records."<sup>1</sup> There are two categories of requests that merit expedited review under Treasury's FOIA regulations: (1) requests for which a lack of expedited treatment "could reasonably be expected to pose an imminent threat to

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<sup>1</sup> See 5 U.S.C. § 552(a)(6)(E)(i)

the life or physical safety of an individual;” or (2) where there is an “urgency to inform the public about an actual or alleged Federal Government activity,” if made by a person primarily engaged in disseminating information.<sup>2</sup>

In your request, you stated that “CREW requests that this request be expedited because of the urgency to inform the American public about a matter of current exigency. Not only did the Secretary’s use of a government plane result in considerable controversy, along with the remarks of his wife defending their extravagant lifestyle, but it came at a time when Secretary Mnuchin is spearheading ‘a tax policy the administration promises will benefit lower and middle-income workers[.]’ The American public, which will bear the brunt of that tax policy, has an urgent need for information about the policy’s key ‘co-architect,’ especially given the anticipated timeframe within which that policy is likely to be considered and debated in Congress.”

Based upon my review of the information contained in your request, and in consideration of the two factors identified above, I deny your request for expedited processing, as you have not adequately demonstrated the urgency to inform the public about “actual or alleged Federal Government activity.” This decision is based, in part, on the publicly available report dated October 4, 2017 by Treasury’s Office of Inspector General regarding the subjects of your request.

You have the right to appeal this determination within 90 days of the date of this letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. Your appeal should be addressed to:

FOIA Appeal  
FOIA and Transparency  
Office of Privacy, Transparency, and Records  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

You may contact the FOIA Public Liaison, Ryan Law, at any time for any questions you may have concerning your request via telephone at (202) 622-8098; or email at [FOIAPL@treasury.gov](mailto:FOIAPL@treasury.gov). You may also reach me via telephone at (202) 622-0930, extension 2; or via email at [FOIA@treasury.gov](mailto:FOIA@treasury.gov). Please reference FOIA request number 2017-10-348 when inquiring about this request.

You may also wish to contact the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office which offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
[ogis@nara.gov](mailto:ogis@nara.gov)

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<sup>2</sup> See 31 CFR § 1.5(e)

ogis.archives.gov  
(202) 741-5770  
(877) 684-6448

Sincerely,

**David E.  
Greek**

Digitally signed by David E. Greek  
DN: c=US, o=U.S. Government,  
ou=Department of the Treasury,  
ou=Departmental Offices,  
ou=People,  
serialNumber=795965, cn=David  
E. Greek  
Date: 2017.10.31 15:14:36 -04'00'

David Greek  
Government Information Specialist  
FOIA and Transparency