

CREW | citizens for responsibility and ethics in washington

September 14, 2017

BY E-MAIL: foia@sba.gov

Laura L. Magere
Chief, Office of FOI/PA
409 3rd Street, S.W.
Washington, D.C. 20416

Re: Freedom of Information Act Request

Dear Ms. Magere,

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. Small Business Administration (“SBA”) regulations.

Specifically, CREW requests:

- (1) Copies of Administrator Linda McMahon’s remarks at the Louisiana Association of Business and Industry (“LABI”) event at the Trump International Hotel – Washington, D.C. on September 13, 2017; and
- (2) Copies of any documents received by Administrator McMahon and/or her staff during the September 13, 2017 LABI meeting at the Trump International Hotel – Washington, D.C.; and
- (3) Copies of any documents describing the attendees at the September 13, 2017 LABI meeting at the Trump International Hotel – Washington, D.C., the agenda of the meeting, and/or any planned follow up actions by SBA; and
- (4) Copies of any photos and/or video from the September 13, 2017 LABI meeting at the Trump International Hotel – Washington, D.C.; and
- (5) Copies of any records documenting payments made by SBA to the Trump International Hotel – Washington, D.C., in relation to the September 13, 2017 LABI meeting; and
- (6) Copies of any communications to or from Administrator McMahon related to the September 13, 2017 LABI meeting at the Trump International Hotel – Washington, D.C.; and

(7) Copies of any communications to or from SBA communications and/or social media staff related to the three tweets about the September 13, 2017 LABI meeting posted on Administrator McMahon's official Twitter account.¹

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 SBA 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 September 13, 2017, Administrator McMahon posted three tweets on her official SBA Twitter account documenting her appearance at a LABI meeting in Washington, D.C.² In her tweets, Administrator McMahon wrote that at the meeting she was “[s]peaking to business owners from Louisiana about how resources from @SBAGov can help them grow,”³ “[e]xplaining to @LABI_biz how @SBAGov helps with disaster recovery,”⁴ and “[s]haring goals with Louisiana business owners about #taxreform & how @SBAGov is working to help

¹ See <https://twitter.com/SBALinda/status/907967445243179008>;
<https://twitter.com/SBALinda/status/907968571866787840>;
<https://twitter.com/SBALinda/status/907970378538131456>.

² *Id.*

³ See <https://twitter.com/SBALinda/status/907967445243179008>.

⁴ See <https://twitter.com/SBALinda/status/907968571866787840>.

entrepreneurs succeed.”⁵ Administrator McMahon’s tweets did not, however, mention where in Washington, D.C. the meeting was taking place. Tweets by LABI staff revealed Administrator McMahon spoke from behind a podium with a “Trump Hotels” placard.⁶ The location was later identified as the Trump International Hotel – Washington, D.C.⁷

LABI, which serves as the “official state chapter for the U.S. Chamber of Commerce and the National Association of Manufacturers,” is a business organization that seeks to “advance sound public policy that supports strong economic growth.”⁸ LABI’s public policy advocacy includes a focus on federal policies affecting small businesses.⁹ The requested records would shed light on what Administrator McMahon discussed with the attendees and increase public knowledge about how SBA communicates with corporate stakeholders in private about public policy. The requested records would also inform the public about how SBA considered the appropriateness of Administrator McMahon attending an event at the Trump International Hotel – Washington, D.C., which is majority owned by President Donald Trump through a trust. The president’s refusal to divest from his business interests has raised significant questions about conflicts of interest and the Trump International Hotel – Washington, D.C. “has become a symbol of the tangled ethical questions posed by Trump’s presidency.”¹⁰

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. 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”).

⁵ See <https://twitter.com/SBALinda/status/907970378538131456>.

⁶ See <https://twitter.com/stephenwags/status/907994857859403777>;
<https://twitter.com/CamilleConaway/status/907962201989943297>.

⁷ See <https://twitter.com/Fahrenheit/status/908080950638194688>.

⁸ See <http://labi.org/about/impact>

⁹ See <http://labi.org/issues/small-business>.

¹⁰ Jonathan O’Connell, *How the Trump Hotel Changed Washington’s Culture of Influence*, *Washington Post*, Aug. 7, 2017, available at https://www.washingtonpost.com/graphics/2017/politics/trump-hotel-business/?utm_term=.f5a526540895.

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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.

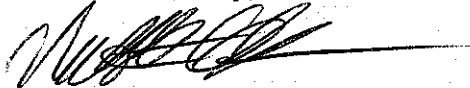
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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,



Matt Corley
Chief Investigator