

CREW | citizens for responsibility and ethics in washington

October 3, 2017

BY E-Mail: hq.foia@epa.gov

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Freedom of Information Act Request

Dear Freedom of Information 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 U.S. Environmental Protection Agency (“EPA”) regulations.

Specifically, CREW requests:

- (1) Copies of all records documenting who paid for Administrator Pruitt’s dinner at BLT Prime in the Trump International Hotel – Washington, DC with the board of directors of Alliance Resource Partners LP on April 26, 2017; and
- (2) Copies of all records documenting payments made by EPA to BLT Prime and/or the Trump International Hotel – Washington, D.C., in relation to Administrator Pruitt’s April 26, 2017 dinner as well as all records seeking reimbursement for expenses incurred at BLT Prime and/or the Trump International Hotel – Washington, D.C.; and
- (3) Copies of all communications to or from Administrator Pruitt, Senior Advisor Lincoln Ferguson, Director of Scheduling and Advance Millan Hupp, and/or Executive Scheduler Sydney Hupp that mention or relate to Alliance Resource Partners LP, Joe Craft, and/or Administrator Pruitt’s April 26, 2017 dinner with the company’s board of directors; and
- (4) Copies of all briefing material Administrator Pruitt received or reviewed regarding his April 26, 2017 dinner with the board of directors of Alliance Resource Partners LP; and
- (5) Copies of all documents received by Administrator Pruitt and/or his staff during the 26, 2017 dinner with the board of directors of Alliance Resource Partners LP; and
- (6) Copies of all records describing the attendees at the April 26, 2017 dinner with the board of directors of Alliance Resource Partners LP, the agenda of the meeting, and/or any planned follow up actions by EPA.

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 EPA 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 Administrator Pruitt's schedule for April 2017, he attended dinner with the board of directors of Alliance Resource Partners LP, a coal company, at the Trump International Hotel in Washington, DC, which is still majority owned by President Trump through a revocable trust, on April 26, 2017.¹ The restaurant where the dinner was held, BLT Prime, is owned by the hotel.² The dinner marks at least the second time that a meeting with industry representatives at the President Trump's hotel has appeared on Administrator Pruitt's schedule since he took office. The administrator's March schedule included an item on March 22, 2017, titled "American Petroleum Institute's Executive Committee and Board of Directors Dinner," held at the Trump International Hotel in Washington, D.C.³ The American Petroleum Institute describes itself as

¹ See <https://www.documentcloud.org/documents/4064980-Pruitt-Sked-and-McCarthy-Sked.html#document/p226/a379542>.

² Jessica Sidman, *The Trump Hotel Lost Two Celebrity Restaurants. Here's the Behind-the-Scenes Drama to Replace Them*, *Washingtonian*, August 30, 2016, available at <https://www.washingtonian.com/2016/08/30/trump-dc-hotel-jose-andres-zakarian-drama/>.

³ See https://www.eenews.net/assets/2017/06/15/document_gw_08.pdf.

“the only national trade association that represents all aspects of America’s oil and natural gas industry.”⁴

The entry on Administrator Pruitt’s schedule regarding the dinner meeting with the board of directors of Alliance Resource Partners LP does not include a list of individual attendees. The requested records would shed light on who Administrator Pruitt met with during the meeting and what he discussed with the attendees. The records would also increase public knowledge about how EPA communicates with industry stakeholders in private about public policy. Although Alliance Resource Partners LP does not employ lobbyists to advocate for it in Washington, DC, the company and its executives are actively engaged in the political and policy processes.⁵

In addition, 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.⁶ The requested records would shed light on whether EPA funds were used to pay for any part of Administrator Pruitt’s dinner at 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 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”).

⁴ See <http://www.api.org/about>.

⁵ Tim Loh, *Obscure Coal CEO Rains Money on Trump While Outflanking Rivals*, *Bloomberg*, July 19, 2017, available at <https://www.bloomberg.com/news/articles/2017-07-19/obscure-coal-ceo-rains-money-on-trump-while-outflanking-rivals>.

⁶ 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 Bykowicz, *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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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 Matthew 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