

April 22, 2019

BY FAX: (202) 619-8365

U.S. Department of Housing and Urban Development
Freedom of Information Act Office
451 7th Street, SW, Room 10139
Washington, DC 20410-3000

Re: Freedom of Information Act Request

Dear Freedom of Information Act 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.

First, CREW requests copies of all communications between Michael Welch Dendas and any official at HUD between January 20, 2016 and April 17, 2017.

Second, CREW requests copies of all communications between HUD Senior Advisor Michael Welch Dendas and The Home Depot registered lobbyists Heather Podesta, Mary Stanton, Anne Palisi, Stephen Bailey, Sean Joyce, Jonathan Becker, Heather Kennedy, Kent Knutson, and/or Sarah McDonald between April 17, 2017 and the present.

Third, CREW requests copies of all communications to or from HUD Senior Advisor Michael Welch Dendas mentioning or pertaining to The Home Depot registered lobbyists Heather Podesta, Mary Stanton, Anne Palisi, Stephen Bailey, Sean Joyce, Jonathan Becker, Heather Kennedy, Kent Knutson, and/or Sarah McDonald between April 17, 2017 and the present.

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 those who were cc’ed or bcc’ed on any emails.

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), 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 public reports, prior to joining the Trump Administration, Dendas served as a senior manager with The Home Depot in the company's government relations department.¹ In that capacity, his duties included "messaging and industry relations on Capitol Hill."² The company maintains a grant program that works with HUD housing programs such as HUDVASH directed at veteran housing.³ HUD has also relied on data from home improvement retailers such as the Home Depot in their policy research and reports.⁴ The requested records will shed light on the extent to which a former registered lobbyist of The Home Depot Inc. may remain in communication with his former colleagues, and whether and to what extent current HUD employees may be influenced by or making policy decisions based on contacts with current registered lobbyists with whom they have prior relationships.

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.

¹ ProPublica, *Trump Town: Housing and Urban Development*, available at <https://projects.propublica.org/trump-town/staffers/michael-welch-dendas>, accessed Apr. 19, 2019.

² *Id.*

³ The Home Depot, *Veteran Housing Grants*, available at <https://corporate.homedepot.com/grants/veteran-housing-grants>, accessed Apr. 19, 2019.

⁴ *See e.g.*, U.S. Department of Housing and Urban Development, *New and Existing Home Sales Conditions*, Mar. 7, 2016, available at <https://www.huduser.gov/portal/pdredge/pdr-edge-spotlight-article-030716.html>.

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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 blogposts that report on and analyze 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 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, 1101 K Street, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anne L. Weismann', with a long horizontal flourish extending to the right.

Anne L. Weismann
Chief FOIA Counsel