



citizens for responsibility  
and ethics in washington

February 24, 2020

**BY FACSIMILE: 202-619-8365**

Deborah R. Snowden  
Office of the Executive Secretariat  
U.S. Department of Housing and Urban Development  
451 7th St., S.W., Room 10139  
Washington, D.C. 20410

**Re: Freedom of Information Act Request**

Dear FOIA 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. Department of Housing and Urban Development (“HUD”) regulations.

First, CREW seeks any and all communications to or from Lucy Miller, Senior Management Analyst, HUD Cleveland Field Office regarding any event hosted by the Urban Revitalization Coalition, between September 1, 2019 and February 24, 2020.

Second, CREW seeks any and all communications to or from Barbara Dunlap, Management Analyst, HUD Cleveland Field Office regarding any event hosted by the Urban Revitalization Coalition, between September 1, 2019 and February 24, 2020.

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). In the event 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 department 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 public reports, in December 2019 Ms. Ashby reportedly attended an event in her honor hosted by Urban Revitalization Coalition (URC), a non-profit organization founded by two political allies of President Trump.<sup>1</sup> The event was promoted as and included a “\$25,000 cash giveaway” directed at a predominantly African-American audience.<sup>2</sup> White House official Ja’Ron was also an honored guest.<sup>3</sup> Before giving away the \$25,000 in small cash increments to those in attendance, URC presented awards for Ashby and Smith.<sup>4</sup> The URC event was part of the organization’s strategy to offer cash giveaways for black voters while inviting them to listen to Trump supporters “lavish” praise on the President and Trump Administration policies.<sup>5</sup> In January 2020, Virginia Union University (VUU) in Richmond canceled a similar event planned by URC to honor President Trump on Martin Luther King Jr. Day.<sup>6</sup> A promotional flier for the event posted on social media said that the event was “invitation-only” and would include a “\$30,000 cash giveaway.”<sup>7</sup> Despite the cancellation of its Richmond event, URC has indicated that it plans to hold more events in the future.<sup>8</sup> Another URC cash giveaway is scheduled in Cleveland later this month. There, the group indicated that it will raffle off \$50,000, and give a presentation on President Trump’s Opportunity Zones program, which was implemented as part of the recent Republican tax law.<sup>9</sup>

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<sup>1</sup> Andrew J. Tobias, *Charity founded by Trump allies plans follow-up cash giveaway events in Cleveland, elsewhere*, *Cleveland.com*, Jan. 30, 2020, available at <https://www.cleveland.com/open/2020/01/charity-founded-by-trump-allies-plans-follow-up-cash-giveaway-events-in-cleveland-elsewhere.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Ben Schreckinger, *Trump Allies are Handing Out Cash to Black Voters*, *Politico*, Jan. 29, 2020, available at <https://www.politico.com/news/2020/01/29/trump-black-voters-cash-giveaways-108072>.

<sup>6</sup> NBC12 Newsroom, *VUU cancels event that planned to honor President Trump on MLK Day*, *NBC12*, Jan. 14, 2020, available at <https://www.nbc12.com/2020/01/14/vuu-cancels-event-that-planned-honor-president-trump-mlk-day/>.

<sup>7</sup> *Id.*

<sup>8</sup> Andrew J. Tobias, *Charity founded by Trump allies plans follow-up cash giveaway events in Cleveland, elsewhere*, *Cleveland.com*, Jan. 30, 2020, available at <https://www.cleveland.com/open/2020/01/charity-founded-by-trump-allies-plans-follow-up-cash-giveaway-events-in-cleveland-elsewhere.html>.

<sup>9</sup> *Id.*

Urban Revitalization Coalition and its founders have both public and private ties to President Trump's re-election efforts.<sup>10</sup> Its activities also raise significant legal and ethical questions that could undermine the organization's 501(c)(3) tax-exempt status. The attendance of administration officials at "cash giveaway" events by an organization seemingly promoting the President's re-election raises concerns they may be in violation of the Hatch Act, which prohibits the use of their official authority for partisan politics. Gathering information regarding Ms. Ashby's communications with representatives of the Urban Revitalization Coalition and ethics officials' communications about this event will help the public understand whether and how HUD officials complied with the law.

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 the documents it receives under the FOIA on its website, which has 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](mailto:aweismann@citizensforethics.org). Also, if CREW's request for expedition and/or 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](mailto:aweismann@citizensforethics.org) or 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,

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<sup>10</sup> *See e.g.*, Urban Revitalization Coalition, 2019 Midterm Report, available at <http://urcamerica.com/wp-content/uploads/2019/06/2019MidtermReport.pdf>, accessed Feb. 10, 2020; *see also* Urban Revitalization Coalition, Co-Founders, <http://urcamerica.com/co-founders/>, accessed Feb. 10, 2020.

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A handwritten signature in black ink, appearing to read 'A. Weismann', with a stylized flourish at the end.

Anne L. Weismann  
Chief FOIA Counsel