



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

*Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530*

*(202) 252-6020
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June 8, 2021

VIA EMAIL: foia@americanoversight.org

Austin R. Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: Request Number: EOUSA-2020-001678
Date of Receipt: February 20, 2020
Subject of Request: Employment records concerning Timothy Shea and David MetCalf-
USAO/DC

Dear Mr. Evers:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [☒] partial grant. A search for records located in the United States Attorney's Office(s) for the District of Columbia has revealed no responsive records regarding David Metcalf.

Enclosed please find:

 3 page(s) are being released in full (RIF);
 1 page(s) are being released in part (RIP);
 17 page(s) are withheld in full (WIF). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

(b)(6)

This is the final action on this above-numbered request. If you are not satisfied with EOUSA's response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

Enclosure(s)

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

TIMOTHY J. SHEA

(b)(6)

LEGAL EXPERIENCE

PRINCIPAL, Morgan Lewis Consulting LLC (2000-present)

OF COUNSEL, Morgan, Lewis & Bockius LLP

- Previously Principal at Bingham Consulting Group and Of Counsel at Bingham McCutchen LLP (1999-2014)
- Provide legal counsel and strategic advice to Fortune 500 companies facing high profile multistate inquiries by the State Attorneys General, occurring in the context of complex civil litigation, class action cases, criminal investigations, federal regulatory reviews, and Congressional oversight hearings.
- Negotiated some of the largest, most extensive and complex multistate settlements with State Attorneys General, totaling payments of hundreds of millions of dollars.
- Represent international companies in a variety of industries, including high technology, healthcare, pharmaceutical, manufacturing, insurance, energy, and transportation among others. Clients include Google, Intel, General Motors, Toyota, Verizon, Bank of America, Merck, Eli Lilly, Pfizer, Bridgestone/Firestone, Merrill Lynch, NewsCorp, Verizon Wireless, among others.

CHIEF OF THE PUBLIC PROTECTION BUREAU (1999-2000)

Office of the Attorney General, Commonwealth of Massachusetts

- Assistant Attorney General and Senior Advisor to the Attorney General.
- Reviewed legal work and managed the operations of the Public Protection Bureau (130 attorneys and other employees), including the following Divisions: Consumer Protection and Antitrust; Public Charities; Regulated Industries (telecommunications, utilities, energy and insurance); Civil Rights; Health Care, Investigations; Chief Criminal Prosecutor; Internet Enforcement Unit; Elder Protection Unit.
- Testified before Committees of the state legislature on legal and policy matters.
- Responsible for cases in the following practice areas: health care, antitrust, unfair and deceptive trade practices, high technology and the Internet, telecommunications, regulation of public utilities, including rate and merger/acquisition cases, insurance regulation and rate setting, privacy issues, criminal matters, among others.

ASSOCIATE DEPUTY ATTORNEY GENERAL (1990-1992)

U.S. Department of Justice Washington, D.C.

- Senior Justice Department Official during the Administration of George H.W. Bush, responsible for advising U.S. Attorney General William P. Barr and the Deputy Attorney General on policy and management issues affecting DOJ and the criminal justice system, particularly the Department's violent crime initiative.

- Administered and developed policy for the Metropolitan High Intensity Drug Trafficking Areas (HIDTA) program in four cities, with a force of 600 Federal, state and local law enforcement agents and a budget of \$68 million.
- Managed federal law enforcement operations designed to combat violent crime, including two nation-wide operations targeting violent criminals and sex offenders.
- Coordinated and administered Justice Department urban revitalization efforts, including the Weed and Seed Program in 20 cities.
- Represented the Justice Department on legal matters affecting federal and state law enforcement.
- Responsible for managing several legislative issues before the Congress affecting the Justice Department, especially during the appropriations process.

ASSISTANT UNITED STATES ATTORNEY (1992-1997)

Eastern District of Virginia Alexandria, Virginia

- Assigned to Major Crimes Division, U.S. Attorney's Office
- Investigation/Prosecution: violent crimes, such as murder, armed robbery, rape, assault; drug distribution cases; waste, fraud and matters; perjury and obstruction of justice investigations; federal tax fraud and evasion cases; federal employee embezzlement prosecutions; civil rights prosecutions; public corruption investigations.
- Conducted and supervised Grand Jury investigations.
- Tried more than 25 felony cases before a jury.
- Drafted briefs and argued criminal appeals to the Fourth Circuit Court of Appeals.
- Supervising Attorney, Lorton Prison Prosecution Task Force
- District Coordinator, Criminal Enforcement of Child Support
- Member, Attorney Hiring Committee (EDVA/USAO)
- Instructor, Office of Legal Education, U.S. Department of Justice
- Instructor, U.S. Marshals Service Regional Law Enforcement Training Seminars
- Lecturer, National Fugitive Conference
- Lecturer, Special U.S. Attorneys Seminar

PUBLIC POLICY AND CONGRESSIONAL EXPERIENCE:

U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS (1997-1999)

Chief Counsel and Staff Director Washington, D.C.

- Worked under the direction of Subcommittee Chair, Susan Collins (R-ME).
- Responsible for developing and implementing the agenda of Subcommittee, a powerful panel with broad jurisdiction, including investigations into public corruption, securities fraud, money laundering, health care fraud, government waste, fraud and abuse, regulatory activities, and consumer protection matters.
- Supervised Subcommittee activities related to drafting subpoenas and document requests in support of investigations, Senate reports, federal legislation, Senate floor and Committee statements as well as conducting oversight of federal regulatory activities and the administration of federal programs.

- Developed and implemented legislative solutions to problems uncovered during investigations, working with the Chair, U.S. Senator Susan Collins (R-ME), and Members of the Subcommittee.
- Advised Republican Subcommittee Members and other U.S. Senators on law and procedures related to Congressional investigations and floor proceedings.

U.S. HOUSE APPROPRIATIONS COMMITTEE Washington, DC (1984-1991)

Full Committee Professional Staff Member (Republican Staff)

- Advised Ranking Republican Member on the appropriations process and procedures, general budget matters, economic policy and tax issues, including participating in the 1990 Budget Summit negotiations with Congressional and Administration officials.
- Worked directly with the Republican leadership of the House as well as the Executive Office of the President and other cabinet level departments and agencies on budget matters and other federal government policies.
- Supervised the work of three Subcommittees, participating in all levels of the appropriations process, including subcommittee hearings, mark-ups, floor consideration and House-Senate Conferences.
- Drafted committee reports, legislative language and floor statements on matters considered by the Appropriations Committee and the U.S. House of Representatives.

OFFICE OF U.S. REPRESENTATIVE SILVIO O. CONTE (R-MA) (1982-1984)

Legislative Director

- Responsible for developing and implementing the Congressman's legislative agenda, including working with House Republican leadership offices, Committees, Senate counterparts, the White House and other Executive Branch agencies and drafting legislative language and floor statements to advance that agenda.
- Supervised work of legislative assistants and correspondents.

BAR MEMBERSHIP

Massachusetts
District of Columbia

EDUCATION:

Georgetown University Law Center, Washington. D.C.

Juris Doctor, *Magna Cum Laude* May 1991

Honors: Dean's List all semesters

Senior Staff, American Criminal Law Review

Author, *CIPA Under Siege: Use and Abuse of Classified Information in Criminal Trials*. 27 Am.Crim.L.Rev. 657 (1990).

Boston College, College of Arts and Sciences, Chestnut Hill, MA

Bachelor of Arts degree, *Magna Cum Laude* May 1982

Honors: Dean's List all semesters, Boston College Academic Scholarship.

ACADEMIC AND PERFORMANCE AWARDS

Sustained Superior Performance Award (U.S. Attorney's Office)

Attorney General Award for Excellence in Management (Department of Justice)

Order of the Coif (Law School Honor Society)

Kenealy Award for Academic Excellence (Boston College)