



U.S. Department of Veterans Affairs
Office of General Counsel
Information and Administrative Law Group

810 Vermont Avenue NW
Washington DC 20420
www.va.gov/ogc

July 26, 2021

In Reply Refer to: 024
FOIA Request: 19-04680-F

Via Email: foia@americanoversight.org

American Oversight
Attention: Ms. Melanie Sloan
1030 15th Street, N.W.
Suite B255
Washington, DC 20005

Dear Mr. Sloan:

This is the Initial Agency Decision (IAD) to your February 14, 2019 Freedom of Information Act (FOIA) request, to the Department of Veterans Affairs (VA), Central Office FOIA Service. You requested a copy of the following records be provided to the American Oversight:

All records reflecting communications (including email messages, email attachments, calendar invitations, memoranda or background material for meetings, or handwritten or typed notes taken during meetings) between any political appointees at your agency and any employee or representative of Ballard Partners, including, but not limited to, any of the following individuals:

- a) Any individual using an email address ending in ballardfl.com,
- b) Brian Ballard,
- c) Sylvester Lukis,
- d) Susan "Susie" Weis,
- e) Dan McFaul,
- f) Rebecca Benn,
- g) Justin Sayfie,
- h) James "Jamie" Rubin,
- i) Otto Reich,
- j) Raj Shah,
- k) Pam Bondi,
- l) Robert Wexler,
- m) Jose Felix Diaz,
- n) Katherine San Pedro,
- o) Karl Bowers,
- p) Sara Pennington,
- q) Hannah Waters, or
- r) Sara Nuvy,

Please provide all responsive records from January 20, 2017, through the date the search is conducted.

Your request was received by the VACO FOIA Service on February 14, 2019, and assigned tracking number 19-04680-F. On February 14, 2019, your request was referred to the Office of General Counsel for processing.

I apologize for the time that it has taken to process your request. I have been newly assigned to this position and I am trying to get caught up with the backlog. On January 15, 2021, the Office of General Counsel, contacted the Office of Information & Technology (OI&T) IT Operations and Services (ITOPS). The search was conducted utilizing the email boxes of Meghan Flanz and Jim Byrne. The key terms consisted of Brian Ballard, Sylvester Lukis, Susan "Susie" Wiles, Dan McFaul, Rebecca Benn, Justin Sayfie, James Jamie" Rubin, Otto Reich, Raj Shah, Pam Bondi, Robert Wexler, Jose Felix Diaz, Katherine San Pedro, Karl Bowers, Sara Pennington, Hannah Walters, Sara Nuvy, Ballardfl.com. Our search met with negative results; as such, we consider this a "No Records" response.

Courts have determined that reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found and searched those locations. [See *Iacoe v. IRS*, No. 98-C-0466, 1999 WL 675322, at *4 (E.D. Wis. July 23, 1999) (recognizing that agency "diligently searched for the records requested in those places where [agency] expected they could be located")]. Record search inquiries were made to the appropriate office. This search was conducted by utilizing the search criteria as defined in your request. At the conclusion of the search, a "no records" response was provided for responsive records to your request.

FOIA Mediation

For any questions regarding the processing of this request, you have the right to seek assistance from the VA FOIA Public Liaison or the Office of Government Information Services (OGIS). As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services. Similarly, as part of the FOIA Improvement Act of 2016, VA established a FOIA Public Liaison to offer mediation services. You may contact OGIS and the VA Public Liaison in any of the following ways:

Office of Government Information Services:

E-mail Address: ogis@nara.gov

Fax: 202-741-5769

National Archives and Records Administration

Room 2510

8601 Adelphi Road

College Park, MD 20740-6001

VA FOIA Public Liaison:

Name: Doloras Johnson

E-mail: vacofoiaservice@va.gov

Appeal Rights

Please be advised that should you desire to do so; you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs

810 Vermont Avenue, N.W.
Washington, D.C. 20420
E-mail: ogcfoiaappeals@va.gov

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,

A handwritten signature in black ink that reads "Greg Draves". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Greg Draves
FOIA/Privacy Officer
Office of General Counsel