



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

December 6, 2019

In Reply Refer To: 001B
FOIA Request: 19-04663-F

Austin R. Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
Foia@americanoversight.org

This is the Initial Agency Decision (IAD) from the Office of the Secretary, U.S. Dept. Veterans Affairs (OSVA) to your Freedom of Information Act (FOIA) request received and dated February 14, 2019, and assigned FOIA tracking number **19-04663-F**. You requested:

"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" Wiles,
- 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 Walters, or
- r) Sara Nuvy.

*"Political appointee" should be understood as any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a Non-career SES, any Schedule C employees, or any persons hired under Temporary Non-career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments.

To be clear, this request includes any memos or one-pagers provided by Ballard Partners to government officials during meetings.

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

As a reminder, other VA FOIA offices have processed or are processing your FOIA requests for records located within their respective FOIA offices. These include: VHA (**19-04764-F**), VBA (**19-04677-F**), NCA (**19-04678-F**), OCLA (**19-04679-F**), OGC (**19-04680-F**), OPIA (**19-04681-F**), OSP (**19-04682-F**), BVA (**19-04683-F**), OMGMT (**19-04684-F**), OEI (**19-04685-F**), OF (**19-04686-F**), OIT (**19-04687-F**), HRA (**19-04688-F**), OSDDBU (**19-04689-F**), HRM (**19-04690-F**), OAWP (**19-04695-F**), VEO (**19-04696-F**), and OIG (IG has its own tracking number system).

IAD and Reasonable Searches Dated 5/24/19 & 8/6/19

On May 24, 2019, our search cut-off date, the OSVA FOIA Officer requested that the VA OIT office provide all responsive records with date timeframe of January 20, 2017, to May 24, 2019 within the email boxes and calendar entries of: 1) Robert Wilkie, 2) Peter O'Rourke, 3) David Shulkin, 4) Jim Byrne, 5) Thomas Bowman, 6) Pam Powers, 7) Jacquelyn Hayes-Byrd, 8) Vivieca Wright-Simpson, 9) Darin Selnick, 10) Jake Leinenkugel, 11) Casin Spero, and 12) Michael Lukach. On June 12, 2019, the VA OIT office provided preliminary results, with the OSVA FOIA Officer conducting secondary results.

On August 6, 2019, the OSVA FOIA Officer conducted follow-up searches with date timeframe of January 20, 2017, to May 24, 2019 within the email boxes and calendar entries of: 1) Robert Wilkie, 2) Peter O'Rourke, 3) David Shulkin, 4) Jim Byrne, 5) Thomas Bowman, 6) Pam Powers, 7) Jacquelyn Hayes-Byrd, 8) Vivieca Wright-Simpson, 9) Darin Selnick, 10) Jake Leinenkugel, 11) Casin Spero, and 12) Michael Lukach.

On August 6, 2019, The OSVA FOIA Officer looked for any emails or calendar entries to, from, or copying: 1) Email addresses ending in Ballardfl.com, 2) Brian Ballard, 3) Sylvester Lukis, 4) Susan Wiles, 5) Susie Wiles, 6) Dan McFaul, 7) Rebecca Benn, 8) Justin Sayfie, 9) James Rubin, 10) Jamie Rubin, 11) Otto Reich, 12) Raj Shah, 13) Pam Bondi, 14) Robert Wexler, 15) Jose Diaz, 16) Katherine Pedro, 17) Karl Bowers, 18) Sara Pennington, 19) Hannah Walters, or 20) Sara Nuvy.

These May 24, 2019, and August 6, 2019, searches yielded non-responsive records. Thus, OSVA issues you a "no records" response.

FOIA Mediation

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

VA Central Office FOIA Public Liaison:

Name: John Buck

Email Address: vacofoiaservice@va.gov

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov

Fax: 202-741-5769

Mailing address:

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

FOIA Appeal

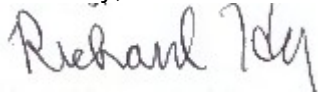
This concludes OSVA's Initial Agency Decision to request **19-04663-F**. Please be advised that should you desire to do so, you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

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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 dark ink, appearing to read "Richard Ha". The signature is written in a cursive, slightly slanted style.

Richard Ha, JD, CIPP/G
OSVA FOIA Officer