



United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

December 21, 2019

Delivered via Electronic Mail

Hart Wood
American Oversight
1030 15th St. NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

**RE: Freedom of Information Act (FOIA) Request 2019-DA-02446-F
Final Response**

Dear Mr. Wood:

This correspondence and the accompanying records constitute the Departmental FOIA Office's (DFO) final response for FOIA request **2019-DA-02446-F**.

This final determination also responds to the matter of *American Oversight v. U.S. Department of Agriculture*, Civil Action No. 1:19-cv-01201 currently pending in the U.S. District Court for the District of Columbia.

The pending Complaint in the above-referenced matter is based on USDA's alleged failure to comply with the applicable time-limits provisions of the FOIA in response to American Oversight's (AO) request for the following:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) with Senator David Perdue or any person who works for Senator Perdue, including any person using an email address ending in perdue.senate.gov.

Please produce responsive records of the following individuals and offices:

- a) All political appointees in the Immediate Office of the Secretary, including Secretary Perdue
 - b) All political appointees in the Office of Congressional Relations
 - c) Farm Service Agency Georgia State Executive Director Talmadge Smith
 - d) USDA Rural Development Georgia State Director Joyce White
2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations,

calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between or among (a) any political appointee in the Immediate Office of the Secretary, including Secretary Perdue, and (b) any of the following individuals and entities or any person acting on their behalf:

- a) Jose “Pepe” Fanjul Jr.
- b) Jose “Pepe” Fanjul Sr.
- c) Alfonso “Alfie” Fanjul Jr.
- d) Florida Crystals Corporation (including but not limited to any person using an email address ending in floridacrystals.com)
- e) Fanjul Corp.
- f) Becker & Poliakoff (including but not limited to any person using an email address ending in bplegal.com)
- g) Smith & Boyette, including Van Boyette

Please produce all responsive records from January 20, 2017 through the date of search.

Your request has been processed under the FOIA, 5 U.S.C. § 552. This final response addresses items one and two above.

Search Efforts

An initial search for responsive records was conducted by the Client Experience Center (CEC). The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services to USDA end users. The CEC also implements and manages enterprise IT solutions for users Department-wide. The CEC located several hundred pages of records potentially responsive to your request, and 103 of those pages were provided to you in the DFO’s first interim response on July 31. On August 12, a second interim response of 182 pages was provided to you. On September 26 an additional 250 pages were provided to you in a third interim release. On October 30, the DFO emailed you a fourth interim response of 334 pages. On November 25, the DFO emailed you a fifth interim response containing 27 pages of calendar entries, Bates Stamped 00870 – 00896. In that fifth interim, the DFO also advised that CEC’s search for text messages produced no responsive records.

This month, CEC returned all available phone logs for the custodians of interest. The DFO reviewed those logs containing hundreds of entries for any responsive items. A total of twelve responsive entries totaling one (1) page were found. Accordingly, today’s final response contains those entries and is Bates Stamped 00897. All entries are being released in full, with no exemptions applied.

Please note that additional searches were conducted for Skype and hard copy records. Those searches did not produce any responsive records.

Hart Wood

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In light of the matter *American Oversight v. U.S. Department of Agriculture*, Civil Action No. 1:19-cv-01201 currently pending in the U.S. District Court for the District of Columbia, administrative appeal rights are not being provided in this response letter.

If you have any questions or concerns about this final response or the pending civil action, please contact Ms. Michelle Jackson, Assistant United States Attorney, U.S. Attorney's Office for the District of Columbia at Michelle.D.Jackson@usdoj.gov.

Sincerely,

Alexis R. Graves

Alexis R. Graves
Departmental FOIA Officer
Office of the General Counsel

Enclosure: Responsive Record (1 page)

Column1	callingPartyNumber	callingPartyUnicodeLoginUserID	finalCalledPartyNumber
9/4/19 7:07 PM	2027207095	Chris.Kidd.local	+14048650087
9/4/19 7:24 PM	2027207095	Chris.Kidd.local	+12022243521
9/4/19 6:46 PM	2027207095	Chris.Kidd.local	+14048650087
9/6/19 9:29 PM	2027207095	Chris.Kidd.local	+14048650087
9/13/19 6:27 PM	2027207095	Chris.Kidd.local	+14048650087
9/13/19 6:59 PM	2027207095	Chris.Kidd.local	+14048650087
9/16/19 4:33 PM	2027207095	Chris.Kidd.local	+14048650087
9/17/19 3:53 PM	2027207095	Chris.Kidd.local	+14048650087
9/13/19 5:28 PM	2027207095	Chris.Kidd.local	+14048650087
9/13/19 5:29 PM	2027207095	Chris.Kidd.local	+14048650087
9/13/19 5:29 PM	2027207095	Chris.Kidd.local	+14048650087
9/4/19 7:14 PM	2027209972	Veronica.Wong	+14048650087