



Department of Energy

Washington, DC 20585

November 24, 2020

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

Via email: foia@americanoversight.org

Re: HQ-2019-01270-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

1. All communications (including emails, email attachments, and calendar invitations) between (a) Secretary Rick Perry (or anyone communicating on his behalf, such as a scheduler or assistant, including Stanley Gerdes) or Chief of Staff Brian McCormack, and (b) any representative of Celltex Therapeutics Corporation, including:
 - a. David G. Eller;
 - b. Stanley C. Jones;
 - c. Lawrence R. Samuels
 - d. Nabil Sakkab;
 - e. Anita Thigpen Perry, acting in her capacity as director of Celltex;
 - f. Any person communicating from an email address ending in @celltexbank.com.

Please provide all responsive records from March 2, 2017, through the date of your search.

2. All communications (including emails, email attachments, and calendar invitations) to or from Secretary Rick Perry (or anyone communicating on his behalf, such as a scheduler or assistant, including Stanley Gerdes) or Chief of Staff Brian McCormack, concerning Texas House Bill 810, also known as "Charlie's Law." We request that the DOE produce at the minimum all communications containing any of the following words or phrases:
 - a. "H.B. 810"



- b. “Charlie’s law”
- c. “stem cell”
- d. Celltex

Please provide all responsive records from March 2, 2017, through June 20, 2017.

3. All communications (including emails, email attachments, and calendar invitations) between (a) Secretary Rick Perry (and anyone communicating on his behalf, such as a scheduler or assistant, including Stanley Gerdes) or Chief of Staff Brian McCormack and (b) Texas Rep. Tan Parker, or any person communicating on his behalf, including but not limited to the email address tan.parker@house.texas.gov.

Please provide all responsive records from March 2, 2017, through June 20, 2017.

In a phone call with Michael Heise of my office, confirmed via email on December 18, 2019, you agreed to amend your request in the following manner:

I. Search One

- Instead of “All communications”, search for “All EMAIL communications including attachments and calendar invitations.”
- Since Lucas Wallwork was Special Assistant to Former DOE Secretary Rick Perry, conduct an email search for the following DOE officials: Former Secretary Rick Perry, Lucas Wallwork, Stan Gerdes, AND Brian McCormack.
- Search for the following in the “To:”, “From”, “cc” OR “bcc:” fields:
 - a. “David G. Eller” OR “David Eller”; OR
 - b. “Stanley C. Jones” OR “Stanley Jones”; OR
 - c. “Lawrence R. Samuels” OR “Lawrence Samuels”; OR
 - d. “Nabil Sakkab” OR “Sakkab”; OR
 - e. “Anita Thigpen Perry” OR “Anita Perry”; OR
 - f. “@celltexbank.com”.
- The time period for this search is March 2, 2017 through the date of the search.

II. Search Two

- Instead of “All communications”, search for “All EMAIL communications including attachments and calendar invitations.”
- Since Lucas Wallwork was Special Assistant to Former DOE Secretary Rick Perry, conduct an email search for the following DOE officials: Former Secretary Rick Perry, Lucas Wallwork, Stan Gerdes, AND Brian McCormack.
- Search for the following in the “Subject:” field OR the body of the email:

- a. "H.B. 810"; OR
- b. "Charlie's law"; OR
- c. "stem cell"; OR
- d. "Celltex"; OR
- e. "Texas House Bill 810".
- The time period for this search is from March 2, 2017 through June 20, 2017.

III. Search Three

- Instead of "All communications", search for "All EMAIL communications including attachments and calendar invitations."
- Since Lucas Wallwork was Special Assistant to Former DOE Secretary Rick Perry, conduct an email search for the following DOE officials: Former Secretary Rick Perry, Lucas Wallwork, Stan Gerdes, AND Brian McCormack.
- Search for the following in the "To:", "From", "cc" OR "bcc:" fields OR body of the email:
 - a. "Tan Parker"; OR
 - b. "tan.parker@house.texas.gov" OR
 - c. "Patricia Robinson" OR
 - d. "Madelyn Fletcher"; OR
 - e. "Nicole Lancaster".
- The time period for this search is from March 2, 2017 through June 20, 2017.

In a phone call with Kathleen Vaughan of my office, confirmed via email on September 28, 2020, you also agreed to waive email attachments, subscription newsletters, news bulletins and mass emails.

Your request was assigned to DOE's Office of the Executive Secretariat (ES) to conduct a search of its files for responsive documents. ES started its search on January 31, 2020, which is the cut-off date for responsive documents. ES has completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for ES. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in ES.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase

“Freedom of Information Appeal” in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE’s records are situated, or (4) in the District of Columbia.

You may contact DOE’s FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 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.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our August 29, 2019 letter, you were informed that your request had been placed in the “other” category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. DOE’s processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Kathleen Vaughan in this office at:

MA-46/Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 586-5955

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C. Morris
Morris
Digitally signed by Alexander C. Morris
Date: 2020.11.24
10:40:10 -05'00'

Alexander C. Morris
FOIA Officer
Office of Public Information