



September 5, 2019

VIA ELECTRONIC MAIL

FOIA/PA Request
FOIA and Transparency
Department of the Treasury
Washington, DC 20220
treasfoia@treasury.gov

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of the Department of the Treasury (Treasury), 31 C.F.R. Part 1, American Oversight makes the following request for records.

Requested Records

American Oversight requests that Treasury produce the following within twenty days:

1. All records reflecting the content of a “discussion on tax reform” with Secretary Steven Mnuchin hosted by the campaign of then-House Majority Leader Kevin McCarthy on or around June 5, 2017, which appears on Secretary Mnuchin’s publicly released calendars.¹ Responsive records would include any calendar entries, written communications about the event, agendas, lists of event attendees, audio or video recordings, transcripts, minutes, summaries, handwritten notes, or materials exchanged during the event.

American Oversight believes that Treasury is in the best position to identify the custodians of responsive records. However, we request that Treasury search, at a minimum, records maintained by the following Treasury officials and any schedulers or assistants communicating on their behalves:

- a. Steven Mnuchin;
- b. Eli Miller;
- c. Alden Wood;
- d. Shannon McGhan;
- e. Mary Ellen Mitchell;

¹ *Treasury Secretary Mnuchin’s Calendars*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/treasury-secretary-mnuchins-calendars>.



- f. Martha Pacold;
 - g. Joseph Smith;
 - h. Matthew Kellogg.
2. Records sufficient to identify whether Secretary Mnuchin any other Treasury employees who attended a “discussion on tax reform” hosted by the campaign of then-House Majority Leader Kevin McCarthy on or around June 5, 2017 did so in their personal capacities or as representatives of Treasury. These documents may include, but are not limited to, any leave requests for June 5, 2017 or entries for that day on any work timesheets or other document used to track time.
 3. Any ethics waivers or guidance issued regarding the participation of Secretary Mnuchin or any other Treasury employee in the “discussion on tax reform” hosted by the campaign of then-House Majority Leader Kevin McCarthy on or around June 5, 2017, which was mentioned in the agency production noted above.

Please produce all responsive records from May 1, 2017 through July 31, 2017.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 31 C.F.R. § 1.7(d)(1), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations or activities.² The disclosure of the information sought under this request will reveal the operations of the federal government, including details of meetings that appear on Secretary Mnuchin’s public calendars.³ The requested documents will be “likely to contribute” to an understanding of specific government operations because of their potential to shed light on Treasury’s representations on a matter of public concern.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in

² 31 C.F.R. § 1.7(d)(1).

³ See, e.g., Hudson & Dawsey, *supra* note 2.

⁴ 31 C.F.R. § 1.7(d)(1).

American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,⁶ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ’s process for ethics waivers.⁷ As another example, American Oversight has a project called “Audit the Wall,” where the organization is gathering and analyzing information and commenting on public releases of information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border.⁸

Accordingly, American Oversight qualifies for a fee waiver.

Notwithstanding its fee waiver request, pursuant to 31 C.F.R. § 1.5(b)(7), American Oversight hereby states that it is willing to pay fees in an amount not more than \$25.00.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at foia@americanoversight.org or at 202.539.6507. Also, if American

⁵ American Oversight currently has approximately 12,400 page likes on Facebook and 54,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Sept. 4, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Sept. 4, 2019).

⁶ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

⁷ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

⁸ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight