

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

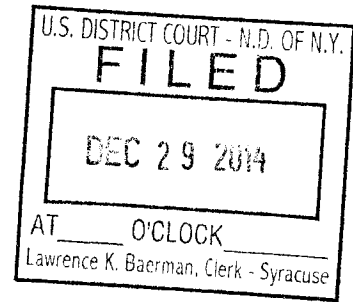
FRANCIS BROZZO
P.O. BOX 461,
GOUVERNEUR, NEW YORK 13642

Plaintiff,

VCOMPLAINT

U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-4536

Defendant.



Case No. 7:14 cv 1584 (LEK/TWD)

COMPLAINT

The Plaintiff brings this action against Defendant United States Department of Education and its component for injunctive, declaratory and monetary relief pursuant to the Privacy Act, 5 U.S.C. section 552a et seq., the Freedom of Information Act, 5 U.S.C. section 552 et seq., the Federal Declaratory Judgment Act, 28 U.S.C. section 2201.

JURISDICTION

1. This Court has Jurisdiction over this action pursuant to 5 U.S.C. sections 552a (g)(1)(B) 552a (g)(3)(A), 552a (g) (3)(B) and 5 U.S.C. 552(a)(4)(B)(E) and 28 U.S.C. section 1391.

VENUE

2. Venue is appropriate in this District under U.S.C. sections 552a (g)(5), 552(a)(4)(B) and 28 U.S.C. section 1391(e)(c)

PARTIES

3. Plaintiff Francis Brozzo is a citizen of the United States and of this District who resides in Gouverneur, New York with a mailing address of P.O. Box 461, Gouverneur, New York 13642

plaintiff seeks production of agency records previously requested by plaintiff pursuant to the above referenced Acts and which request has either been ignored or denied by the defendant.

4. Defendant is an agency of the United States Government headquartered at U.S. Department of Education 400 Washington Avenue, Washington, DC 20202. Defendant has possession, custody, and control of records to which plaintiff seeks access.

BACKGROUND

5. The Federal Government offers different types of student loans to promote higher education access through the Federal Family Education Loan Program.(FFEL)

6. The Federal Government provides subsidies and insurance against default losses to lenders to encourage them to make student loans.

7. The U.S. Department of Education (DOE) oversees the FFEL Program, insurance on the FFEL loans are handled by guaranty agencies.

8. Guaranty Agencies are State or nonprofit institutions that contract with the DOE to supervise the FFEL Program.

9. Nearly all states have guaranty agencies;the guarantor of plaintiff's student loans was New York State Higher Education Services Corporation. (NYSHESC)

10. The actual payment and loan processing is done either directly through the borrower's school or through the commercial lenders.

11. The Federal Government guarantees these privately funded loans, such that in the case of student default, the lender can be repaid by the relevant guaranty agency.

12. The guaranty agency then takes assignment of the delinquent loan and seeks to collect from the borrower

13. After approximately four years defaulted loans not collected by the guarantor are assigned to the DOE.

14. **Federal Reinsurance**, once a borrower has gone approximately nine months without making a loan payment the lender can file a reimbursement claim with the guaranty agency.

15. The guarantor pays the lender the loans unpaid principal and interest. (Reimbursement Claim)

16. Once the guaranty agency pays a default claim it takes control of the loan, its submits a reinsurance claim to the U.S. Department of Education (DOE) which will replenish the Federal Fund.

17. To insure that money designated for the FFEL Program not be used for other activities, Congress requires guaranty agencies to hold funds in one of two discrete accounts Federal Fund and Operating Fund.

18. **Federal Fund**-is an asset of the government and used to pay private lenders for default losses on FFEL loans. The guaranty agencies acts as custodian of the fund and can only use it to cover FFEL Program costs.

19. **Operating Fund**-is an asset of the guaranty agency and supports FFEL administrative activities other than default insurance.

20. In 1993, Key Bank (plaintiff's lender) submitted defaulted loan reimbursement claims to New York Higher Education Services Corporation.

21. In 1993, New York State Higher Education Services Corporation. (NYSHRSC) paid the defaulted loan reimbursement claims.

22. In and around 2009, NYSHESC assigned plaintiff's defaulted student loans to the U.S. Department of Education.

STATEMENT OF FACTS

23. On July 29, 2014, plaintiff mailed a FOIA request to the DOE seeking records about his student loans. Plaintiff's FOIA request sought access to the following:

1. Copy of all loan reimbursement claims filed by lender(Key Bank) with the NYSHESC(Guarantor)
2. Documents showing the payment of all reimbursement claims paid by NYSHESC to Key Bank
3. Documents showing NYSHESC reinsurance claim submitted to the DOE
4. Documents showing DOE approval of NYSHESC reinsurance claim. To include all money amounts that transpired between the agencies
5. Documents showing NYSHESC assignment of plaintiff's Defaulted loans to the DOE (Exhibit-A)

24. On August 8, 2014, plaintiff received an e-mail from the defendant acknowledging receipt of the FOIA request. (Exhibit-B)

25. By letter dated September 9, 2014, defendant responded to the FOIA request and produced the following:

1. Plaintiff's loan history(3 pages) obtained of the National Student Loan Data System (NSLDS)*
2. Transitional Guaranty Agency Organizational Contact list(1 page) obtained off the NSLDS
3. Key Bank address page obtained of the NSLDS(Exhibit-C)

26. Plaintiff's initial FOIA request did not request plaintiff's loan history or agency contact information.

27. Defendant's responsive letter does not acknowledge and set forth the actual documents requested by the plaintiff.

*National Student Loan Data System (NSLDS) is a DOE central data base for Federal student aid.

28. Defendant's response letter does not notify the plaintiff of any decision to deny access to the records plaintiff actually requested.
29. Defendant's response does not set forth the records it did produce.
30. Other than defendant's August 8, 2014, acknowledgement by e-mail, defendant has not responded to the actual FOIA request of July 29, 2014. (Exhibit -B)
31. The loan history document listing Transitional Guaranty Agency as guarantor of plaintiff's student loans is false.
32. New York State Higher Education Services Corporation is the guarantor of all student loans belonging to the plaintiff.
33. On September 13, 2014, plaintiff submitted an appeal to the defendant. (Exhibit-D)
34. Plaintiff's appeal set forth items 26-31 above and gave notice of the erroneous information released by the defendant.
35. By letter dated September 29, 2014, defendant acknowledged receipt of the appeal. (Exhibit-D)
36. Other than the September 29, 2014 acknowledgement of the appeal, defendant has not responded to the plaintiff's appeal.
37. By reason of defendant's failure to comply with the time limits set forth in 5 U.S.C. section 552(a) (6)(A), and 34 CFR Part 5- Subpart C, Section 5.21 (c) and Subpart E section 5.40(c), plaintiff is deemed to have exhausted any and all administrative remedies with respect to its FOIA request, pursuant to 5 U.S.C section 552(a)(6)(C).

FIRST CLAIM FOR RELIEF
Under the Freedom of Information Act

38. Plaintiff restates and reincorporates paragraphs 1-37 above as is fully set forth herein.

39. Plaintiff filed a FOIA Request (dated July 29, 2014) with the U.S Department of Education on August 8, 2014, seeking access to records concerning plaintiff's student loans.

40. Other than Defendant's fictitious response of September 9, 2014, that addresses the FOIA Request and yielding documents not related to Plaintiff's original FOIA Request, Defendant has not yet made a determination on or produced documents responsive to the original request made by the Plaintiff.

41. Although 5 U.S.C. section 552(a) (6)(A)(i), and Defendant's own regulations 34 CFR Part-5, Subpart-C section 5.21(c) requires the U.S. Department of Education to issue a determination on Plaintiff's original FOIA Request within twenty(20) working days after the appropriate component first receives the request, the Defendant has not yet made any determination on or produced any documents responsive to the ones listed in Plaintiff's Request of July 29, 2014. A violation of section 552(a) (6)(i) and 34 CFR Subpart-C, section 5.21.

42. Under the Defendant's own regulations, 34 CFR- Subpart-C section 5.21(h)(2)(i)(B) which requires the DOE to notify the requester in writing, with reasons, of any decision to deny a FOIA Request in whole or in part. Other than the Defendant's acknowledgement of August 8, 2014, Defendant has failed to respond and give notice of its denial of access to the actual documents listed in the request of July 29, 2014. A violation of 34 CFR-Subpart C 5.21((h)(2)(ii)(A)(B).

43. Plaintiff timely filed an administrative appeal citing the defendant's failure to adequately respond to the FOIA Request of July 29, 2014

44. Although 5 U.S.C. 552(a) (6)(A)(ii) and the DOE'S own regulations 34 CFR Subpart E, section 5.40(c), specifies that the U.S Department of Education must resolve administrative appeals of FOIA actions within twenty (20) days after receiving the appeal, DOE has to date not acted upon Plaintiff's administrative appeal. A violation of 552(a)(6)(A)(ii) and 34 CFR Subpart E, section 5.40(c).

45. Plaintiff has a statutory right to the records he seeks and there is no legal basis for DOE'S refusal to disclose them in full. Plaintiff has exhausted his administrative remedies and the DOE'S refusal to respond to the appeal in a timely manner under 5 U.S.C. 552(a)(6)(ii) and 34 CFR Subpart-E, section 5.40(c) results in exhaustion of Plaintiff's administrative remedies pursuant to section 552(a)(6)(C).

46. The U.S, Department of Education is unlawfully withholding records requested by the Plaintiff pursuant to 5 U.S.C. section 552 and 34 CFR Subpart-C, section 5.21(c) and 34 CFR Subpart-E 5.40(c) respectfully.

47. The U.S. Department of Education violated FOIA'S mandate and its own regulations implementing FOIA requests submitted by the public, by refusing to specifically respond to plaintiff's FOIA Request and appeal and produce the records requested. Accordingly, Plaintiff is entitled to injunctive and declaratory relief with respect to the release and disclosure of records requested by the plaintiff.

SECOND CLAIM FOR RELIEF
Under 5 U.S.C. 552a(g)(1)(B)

48. Plaintiff restates and reincorporates paragraphs 1-47 above as is fully set forth herein.

49. Plaintiff through its July 29, 2014 FOIA Request and its September 13, 2014 appeal, properly asked for records within the DOE'S control.

50. Department of Education has not responded to the actual records requested, or made any determination on the appeal nor made any explicit and justified claims of statutory exemption.

51. In accordance with the Privacy Act of 1974, section 552a(d)(1) agencies have a statutory obligation to make agency records available to the requester.

52. The Privacy Act of 1974 section 552a (g)(1)(B) provides relief to the individual who is being denied access to his records and enjoin the agency from withholding the records.(552a(g)(1)(B),552a(g)(3)(A)and 552a(d)(1))

53. DOE has not complied with Plaintiff's request under 5 U.S.C. section 552 a (d)(1) and refusing to allow Plaintiff access to the records requested by him.

54. The U.S. Department of Education violated section 552a(d)(1) that requires agencies to make agency records available to the requester, by refusing to respond to Plaintiff's request and make the records specifically requested available for his inspection and copying. Accordingly, pursuant to section 552a(g)(1)(B),552a(g)(3)(A)and552a(d)(1) Plaintiff is entitled to injunctive and declaratory relief with respect to his access claim.

THIRD CLAIM FOR RELIEF
Under 5 U.S.C. 552(a) (4)(F)

55. Plaintiff re-alleges paragraphs 1 through 54 as if fully set forth herein.

56. On July 29, 2014, Plaintiff mailed an FOIA Request to the U.S. Department of Education. (Exhibit-A)

57. On August 8, 2014, the DOE acknowledged receipt of Plaintiff'sFOIA Request, that lists the actual records requested by the Plaintiff. (Exhibit-B)

58. The DOE'S response of September 9,2014, does not speak to or comply with the actual FOIA request and furnishes records that were not requested by the Plaintiff.

59. In the response dated September 9, 2014, (responding to the FOIA Request) the Department of Education states: "This is a final response to your request dated July 29, 2014, requesting information "... (Exhibit-C)

60. The Department of Education's response clearly cites the Plaintiff's FOIA request of July 29, 2104, and the DOE'S August 8, 2014 acknowledgement of that request, showing that the DOE had fair knowledge of the actual records requested in the FOIA request,yet the response does not notify the requester in writing, with its reasons, for the DOE'S denial to disclose and provide the actual records requested.

61. In paragraph two (2) of the response, the DOE states that the Department recognizes the request to be a Privacy Act request pursuant to 5 U.S.C. 552a and the Department regulations implementing the Privacy Act 34 CFR Part 5.

62. The actions of the DOE detailed above, demonstrates that the DOE had firsthand knowledge of the records explicitly set forth in the Plaintiff's FOIA request, and firsthand information of the statutory and regulatory laws governing the disclosure of those records.

63. The Department of Education (DOE) made a conscience decision not to comply with the statutory and regulatory laws governing FOIA requests, by responding to the request with a fictitious response yielding records not requested by the Plaintiff.

64. There is reasonable cause to believe that a violation of law and a violation of department regulations has occurred by the U.S. Department of Education, their response and non-response

to the request was not by reason of law, therefore, it reasonably follows that the DOE has made an arbitrary and capricious denial of Plaintiff's FOIA Request.

65. 5 U.S.C. 552(a)(4)(F) establishes a system for the disciplining of an agency official found to have made an arbitrary and capricious denial of a FOIA request.

66. The DOE has made an arbitrary and capricious denial of Plaintiff's FOIA request, by responding to the request with a fictitious response yielding records not requested by the Plaintiff.

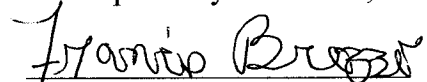
A violation of the statutory and regulatory laws governing FOIA requests. Accordingly, Plaintiff is entitled to injunctive and declaratory relief with respect to the arbitrary and capricious denial of his request pursuant to U.S.C. 552(a)(4)(F).

Wherefore, Plaintiff respectfully request that the Court:

1. Declare that defendant refusal to disclose the records requested by Plaintiff is unlawful;
2. Enjoining the Department of Education from withholding the requested records;
3. Ordering the agency to make the requested records immediately available to Plaintiff;
4. Issue an injunction to prevent the DOE from relying on their invalid practice of not responding at all to FOIA/PA request or, responding with a letter, and then not taking any action honoring or denying the request;
5. Make a written finding that the circumstances surrounding the withholding raises questions whether there has been arbitrary or capricious agency action and make referral of the matter to the Office of Special Counsel pursuant to U.S.C. 552(a)(4)(F);
6. Award Plaintiff reasonable costs and fees as is provided in 5 U.S.C. sections 552a(4)(E) and 552a(g)(3)(B) and or 28 U.S.C. section 2412(a).
7. Grant such other relief as the Court may deem just and proper.

Date: December 26, 2014.

Respectfully Submitted,



Francis Brozzo
Pro-Se

EXHIBIT A

"PRIVACY ACT REQUEST"

Francis W. Brozzo
P.O. Box 461,
Gouverneur, New York 13642
July 29, 2014

U.S. Department of Education
Office of Management
Regulatory Information Management Services
400 Maryland Avenue, SW LBJ 2W220
Washington, DC 20202-4536

ATTN: FOIA Public Liaison
SS# ~~REDACTED~~9029 - Student Loans

Dear FOIA Public Liaison:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents be provided to me :

1. Copy of any/all claims for reimbursement of defaulted loans made by Key Bank (lender) to New York State Higher Education Services Corporation.(NYSHESC)(Guarantor)
2. Copy of all documents showing NYSHESC payment of all reimbursement claims made to Key Bank. (lender) To include all money amounts that transpired.
3. Copy of all documents showing NYSHESC reinsurance claim (concerning the student loans) submitted to the Dept. of Education.
4. Copy of all documents showing Dept.of Education's approval of NYSHESC reinsurance claim. Documents to include copy of money amounts that may have transpired in the transaction.
5. Copy of all documents showing NYSHESC's assignment and transfer of title of Francis Brozzo's loans to the U.S. Dept. of Education. a. To include any documents showing any reimbursement of any costs related to the assignment and transfer of title, Paid by the U.S. Dept. of Education to NYSHESC. Or Paid by New York State Higher Education Services Corp. to the DOE.

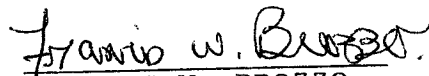
In order to help to determine my status to assess fees, you should know that I am an individual seeking information for personal use.

The maximum dollar amount I am willing to pay for this request is \$10.00. Please notify me if the fees will exceed 15.00 dollars or the maximum amount I entered.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I request waiver of fees because I do not have adequate income to pay any fees that may be assessed.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on July 29, 2014.


FRANCIS W. BROZZO

cc F. BROZZO
fbrozzo@hotmail.com
315-466-2370

EXHIBIT B



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information and Records Management Services

August 8, 2014

Mr. Francis Brozzo
PO box 461
Gouverneur, NY 13642

RE: FOIA Request No. 14-00112-PA

Dear Francis Brozzo:

This is in response to your letter dated 07/29/2014 requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on 08/08/2014 and forwarded to the primary responsible office(s) for action.

You requested: 1. Copy of any/all claims for reimbursement of defaulted loans made by Key Bank (lender) to New York State Higher Education Services Corporation.(NYSHESC)(Guarantor) 2. Copy of all documents showing NYSHESC payment of all reimbursement claims made to Key Bank. (lender) To include all money amounts that transpired. 3. Copy of all documents showing NYSHESC reinsurance claim (concerning the student loans) submitted to the Dept. of Education. 4. Copy of all documents showing Dept. of Educations approval of NYSHESC reinsurance claim. Documents to include copy of money amounts that may have transpired in the transaction. 5. Copy of all documents showing NYSHESC's assignment and transfer of title of Francis Brozzo's loans to the U.S. Dept. of Education. a. To include any documents showing any reimbursement of any costs related to the assignment and transfer of title, Paid by the U.S. Dept. of Education to NYSHESC. Or Paid by New York State Higher Education Services Corp. to the DOE.

Please refer to the FOIA tracking number to check the status of your FOIA request at the link provided below:

<http://www2.ed.gov/policy/gen/leg/foia/foiatoc.html>

Any future correspondence or questions regarding your request, please contact the FOIA Public Liaison at 202-401-8365 or EDFOIAManager@ed.gov

Sincerely,

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-4500
www.ed.gov

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No. 14-00112-PA

ED FOIA Manager

EXHIBIT C



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information, and Records Management Services

September 9, 2014

Francis W. Brozzo
P.O. Box 461
Gouverneur, NY 13642

RE: Privacy Act Request No. 14-00112-PA

Dear Mr. Brozzo:

This is a final response to your request dated July 29, 2014, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and the Privacy Act of 1974, 5 U.S.C. § 552a as amended. Your request was received in the Department of Education's (the Department), FOIA Service Center (FSC) on August 8, 2014 and was forwarded to the Office of Federal Student Aid for any responsive documents that they may have.

You requested:

- Records in reference to your student loans and lenders.

The Department recognizes this request to be a Privacy Act request pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a as amended, and the Department's regulation implementing the Privacy Act (34 CFR Part 5b).

Enclosed with this letter are containing 6 pages of documents that the Department could locate in reference to your request.

If you have questions concerning the information provided above please contact the office below:

Borrower Services, Customer Care Group
500 W. Madison St., Suite 1520, Chicago, IL 60661-4544
1-800-621-3115
www.FederalStudentAid.ed.gov
1-800-4-FED-AID

OR

Key Bank of New York
17 Corporate Woods Blvd
Albany, NY, PA 122110000

OR

Transitional Guaranty Agency
1 Imation Place Building 2
Oakdale, MN 55128

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-4500
www.ed.gov

Page 2 – Francis W. Brozzo
14-00112-PA

If you need further assistance in reference to your FOIA/Privacy Act request, please contact the FSC at (201) 401-8365 or via email at EDFOIAMANAGER@ed.gov.

Sincerely,



Elise Cook
FOIA Public Liaison
FOIA Service Center

Enclosure



National Student Loan Data System (NSLDS)



Menu **Aid** **Enroll** **Org** **Report**

SSN: First Name: DOB: (MMDDCCYY) Retrieve Name Search

FSA ID: SALVADOR.BARRERA logged on as: SALVADOR BARRERA from Department of Education Region 5 // ED5SXB

FRANCIS BROZZO

***-**-9029

DOB: [REDACTED] 1951



Defaulted

Loan History

Aggregate Loan Information

Loan Type	Outstanding Principal Balance	Pending Disbursements	Total
Undergraduate			Award Year: 1988 ⓘ
Subsidized Loans	\$15,755	\$0	\$15,755
Unsubsidized Loans	\$0	N/A	\$0
Combined Loans	\$15,755	\$0	\$15,755
Consolidation Loans, Unallocated	N/A		N/A
Totals			
Subsidized Loans	\$15,755	\$0	\$15,755
Unsubsidized Loans	\$0	N/A	\$0
Combined Loans	\$15,755	\$0	\$15,755
Consolidation Loans, Unallocated	N/A		N/A
Other			
Perkins Loans	N/A		N/A

Master Promissory Notes

MPN Type	Code	PLUS Borrower
Direct Stafford	N	N/A
Direct PLUS	N	N/A

Loan Summary

Sort by: --- Select --- ▼

Submit

Display Only: ---- ALL ---- ▼

Currently Sorted by LOAN DATE. No filtering

SL - SUPPLEMENTAL LOAN-SLS

Status: PF as of 12/31/1994

Loan Detail

STATE UNIVERSITY OF NEW YORK COLLEGE AT POTSDAM - 00285000

Guaranteed Amt:	\$4,000	Disbursed Amt:	\$4,000	OPB:	\$0	Agg. OPB:	\$0
Loan Date:	02/09/1988	Sep. Loan Ind:	A	Loan Period:	08/01/1987 - 05/31/1988		
Last Disb. Date:	02/15/1988	Last Disb. Amt:	\$4,000	Acad. Lv:	4		
GA:	NEW YORK STATE HIGHER EDUCATION SERVICES - 736						
Lender:	KEY BANK OF NEW YORK - 808085						

SF - FFEL STAFFORD SUB

Loan Detail

STATE UNIVERSITY OF NEW YORK COLLEGE AT POTSDAM - 00285000

Guaranteed Amt:	\$4,000	Disbursed Amt:	\$4,000	OPB:	\$4,957	Agg. OPB:	\$4,000
Loan Date:	08/15/1987	Sep. Loan Ind:	A	Loan Period:	08/01/1987 - 05/31/1988		
Last Disb. Date:	11/09/1987	Last Disb. Amt:	\$4,000	Acad. Lv:	4		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB

Loan Detail

STATE UNIVERSITY OF NEW YORK COLLEGE AT POTSDAM - 00285000

Guaranteed Amt:	\$2,500	Disbursed Amt:	\$2,500	OPB:	\$3,098	Agg. OPB:	\$2,500
Loan Date:	09/20/1986	Sep. Loan Ind:	A	Loan Period:	08/01/1986 - 05/31/1987		
Last Disb. Date:	11/10/1986	Last Disb. Amt:	\$2,500	Acad. Lv:	4		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB

Loan Detail

STATE UNIVERSITY OF NEW YORK COLLEGE AT POTSDAM - 00285000

Guaranteed Amt:	\$2,130	Disbursed Amt:	\$2,130	OPB:	\$2,640	Agg. OPB:	\$2,130
Loan Date:	08/16/1985	Sep. Loan Ind:	A	Loan Period:	08/01/1985 - 05/31/1986		
Last Disb. Date:	08/23/1985	Last Disb. Amt:	\$2,130	Acad. Lv:	5		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB

Loan Detail

STATE UNIVERSITY OF NEW YORK COLLEGE AT POTSDAM - 00285000

Guaranteed Amt:	\$2,275	Disbursed Amt:	\$2,275	OPB:	\$2,819	Agg. OPB:	\$2,275
Loan Date:	09/05/1984	Sep. Loan Ind:	A	Loan Period:	08/01/1984 - 05/31/1985		
Last Disb. Date:	09/19/1984	Last Disb. Amt:	\$2,275	Acad. Lv:	3		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB

Loan Detail

MATER DEI COLLEGE - 00277100

Guaranteed Amt:	\$500	Disbursed Amt:	\$500	OPB:	\$620	Agg. OPB:	\$500
Loan Date:	03/07/1984	Sep. Loan Ind:	A	Loan Period:	08/01/1983 - 05/31/1984		
Last Disb. Date:	03/15/1984	Last Disb. Amt:	\$500	Acad. Lv:	2		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB**MATER DEI COLLEGE - 00277100**

Loan Detail

Guaranteed Amt:	\$1,100	Disbursed Amt:	\$550	<input checked="" type="checkbox"/> OPB:	\$682	Agg. OPB:	\$550
Loan Date:	02/10/1983	Sep. Loan Ind:	A	Loan Period:	01/01/1983 - 05/31/1983		
Last Disb. Date:	04/21/1983	Last Disb. Amt:	\$550	Acad. Lv:	2		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUBStatus: **CA** as of 03/31/1989**STATE UNIVERSITY OF NEW YORK COLLEGE OF TECHNOLOGY AT CANTON
- 00285500**

Loan Detail

Guaranteed Amt:	\$2,500	Disbursed Amt:	\$0	OPB:	\$0	Agg. OPB:	\$0
Loan Date:	08/26/1982	Sep. Loan Ind:	A	Loan Period:	08/01/1982 - 05/31/1983		
Last Disb. Date:	N/A	Last Disb. Amt:	\$0	Acad. Lv:	2		
GA:	NEW YORK STATE HIGHER EDUCATION SERVICES - 736						
Lender:	KEY BANK OF NEW YORK - 808085						

SF - FFEL STAFFORD SUB**STATE UNIVERSITY OF NEW YORK COLLEGE OF TECHNOLOGY AT CANTON
- 00285500**

Loan Detail

Guaranteed Amt:	\$1,513	Disbursed Amt:	\$1,513	<input checked="" type="checkbox"/> OPB:	\$1,875	Agg. OPB:	\$1,513
Loan Date:	10/20/1981	Sep. Loan Ind:	A	Loan Period:	08/01/1981 - 05/31/1982		
Last Disb. Date:	11/06/1981	Last Disb. Amt:	\$1,513	Acad. Lv:	2		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB**STATE UNIVERSITY OF NEW YORK COLLEGE OF TECHNOLOGY AT CANTON
- 00285500**

Loan Detail

Guaranteed Amt:	\$1,487	Disbursed Amt:	\$1,487	<input checked="" type="checkbox"/> OPB:	\$1,843	Agg. OPB:	\$1,487
Loan Date:	08/11/1981	Sep. Loan Ind:	A	Loan Period:	08/01/1981 - 05/31/1982		
Last Disb. Date:	08/14/1981	Last Disb. Amt:	\$1,487	Acad. Lv:	2		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

SF - FFEL STAFFORD SUB**STATE UNIVERSITY OF NEW YORK COLLEGE OF TECHNOLOGY AT CANTON
- 00285500**

Loan Detail

Guaranteed Amt:	\$800	Disbursed Amt:	\$800	<input checked="" type="checkbox"/> OPB:	\$991	Agg. OPB:	\$800
Loan Date:	09/16/1980	Sep. Loan Ind:	A	Loan Period:	01/01/1900 - 01/01/1900		
Last Disb. Date:	09/29/1980	Last Disb. Amt:	\$800	Acad. Lv:	1		
GA:	TRANSITIONAL GUARANTY AGENCY - 927						

Notes:

① For the determined award year and academic level displayed, the dependency status is/was Independent.

☑ Amount includes capitalized interest.



National Student Loan Data System (NSLDS)



Menu **Aid** **Enroll** **Org** **Report**

Type: --- Select --- Code: Name: Retrieve

FSA ID: SALVADOR.BARRERA logged on as: SALVADOR BARRERA from Department of Education Region 5 // ED5SXB

Name: TRANSITIONAL GUARANTY AGENCY

Code: 927

Type: Guaranty Agency

Status: OPEN

Address: 1 IMATION PLACE BUILDING 2
OAKDALE, MN 55128

Organization Contact List

Function	First Name / Last Name	Phone / Ext.	Email
PRIMARY CONTACT	KATHY SIZEMORE	(888) 221-3262	
SSN/ID ISSUES	KIM BORCHERT	(651) 221-0566 5048	
IS TECHNICAL ISSUES	PAUL DIXON	(651) 325-3044	
ENROLLMENT REPORTING	CUSTOMER SERVICE REPRESENTATIVE	(888) 221-3262	
FAT/SAR/ISIR ISSUES	CUSTOMER SERVICE REPRESENTATIVE	(888) 221-3262	
DEFAULT ISSUES	CUSTOMER SERVICE REPRESENTATIVE	(888) 221-3262	
FFEL ISSUES	CUSTOMER SERVICE REPRESENTATIVE	(888) 221-3262	
CUSTOMER SVC(BORROWERS)	NSLDS REPRESENTATIVE	(888) 221-3262	



SEARCH HERE
GO FURTHER
FEDERAL STUDENT AID

National Student Loan Data System (NSLDS)



Menu **Aid** **Enroll** **Org** **Report**

Type: --- Select ---



Code:

Name:

Retrieve

FSA ID: SALVADOR.BARRERA logged on as: SALVADOR BARRERA from Department of Education Region 5 // ED5SXB

Name: KEY BANK OF NEW YORK

Code: 808085

Type: Lender

Address: 17 CORPORATE WOODS BLVD %K S CORP
ALBANY, NY 122110000

Tax Exempt Eligible:

Not-For-Profit:

Trustee:

Third Party Service:



There are no contacts currently listed in the system for the organization.

EXHIBIT D

" PRIVACY ACT REQUEST "
APPEAL

Francis W. Brozzo
P.O. Box 461,
Gouverneur, New York 13642
September 13, 2014

U.S. Department of Education
Privacy Information, Records Management Services
400 Maryland Avenue, SW LBJ 2E 320
Washington, DC 20202- 4536

ATTN: Appeals Officer

RE:Constructive denial of FOIA Request dated July 29, 2014.
APPEAL OF FOIA REQUEST DENIAL

TO THE APPEALS OFFICER:

On September 13, 2014, I received a response(dated 9/09/2014)
from the Department of Education(DOE) records management services
responding to this writer's FOIA Request dated july 29, 2014.(A
copy of both documents enclosed)

The following documents accompanied that response:

1. Loan History(3 pages) obtained off the National Student Loan
Data System. (NSLDS)(copy enclosed)
2. Transitional Guaranty Agency(1 page) Organization Contact
list obtained of the NSLDS. (copy attached)
3. Contact List(1 page) Key Bank of New York, obtained of the
NSLDS. (copy attached)

If you review the original FOIA request submitted by Francis Bro-
zzo, that request clearly shows that Mr. Brozzo did not request
records showing the history and loan amounts taken out by him, or
request contact information for any agencies.

The FOIA response provided by the DOE, fails to list and name the
documents it did provide in reference to the FOIA request.(see
DOE response)

The FOIA response provided by the DOE, fails to list and name the records/ documents actually requested by Mr. Brozzo. Not only does the response fail to mention those documents, it also fails to set forth the legal reason why the DOE has denied the disclosure of the documents.

The FOIA response produced by the DOE, does not address the actual content of MR. Brozzo's FOIA Request. The response is a RUSE concealing (for some reason) what was really requested, and it is therefore a constructive denial of Brozzo's FOIA Request disguised as a compliance letter.

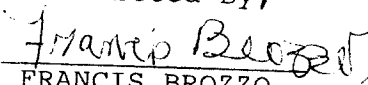
Information contained in the history of loan document provided by the DOE is contrary to fact. Transitional Guaranty Agency was not a guarantor of any student loans taken out by Mr. Brozzo. Therefore, the listing of that agency as a guarantor is false. Thereby making DOE accountable for the falsity and its dissemination.

The documents requested by Brozzo are directly connected to his student loans, they show the transactions that took place between The DOE and the New York State Higher Education Services Corp. after the loans had defaulted. The DOE is required to maintain those records.

The Freedom of Information Act intitles Francis Brozzo to the disclosure and copies of those documents, and in the event the DOE denies access to any record/document, the Freedom of Information Acts requires the DOE to set forth the name of the document requested and the legal reason for its denial.

Wherefore, the facts have shown, the DOE has unlawfully denied Francis Brozzo's FOIA Request, and therefore deprived him access to records maintained by the DOE. These records should be disclosed and copies provided to the appellate.

cc
Enclosures

Submitted By,

FRANCIS BROZZO
APPELLATE



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information and Records Management Services

September 29, 2014

Francis W. Brozzo
PO Box 461
Gouverneur, NY 13642

RE: FOIA Request No. 14-00112-PA/Appeal – 14-00058-A

Dear Francis Brozzo:

This is to acknowledge receipt of your September 13, 2014 letter, appealing the Department's September 9, 2014 decision to deny your request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, which was received by this office on 9/24/2014.

An administrative review of our response is underway, and the Department's Assistant Secretary for Management will issue a determination on the appeal once it is completed. In the meantime, if you have a question or concern, please feel free to call the FOIA Hotline at (202) 401-8365.

Sincerely,

A handwritten signature in cursive script that reads "Angela Arrington".

Angela Arrington
Deputy Director
Privacy, Information and Records Management Services