



DOLCEFINO CONSULTING

EXHIBIT

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August 20, 2020

U.S. Department of Housing and Urban Development
Freedom of Information Act Office
451 7th Street, SW, Room 10139
Washington, DC 20410-3000

via email: FOIAExecSec@hud.gov
via CMRRR

Dear Sir or Madam,

This will serve as a formal request to inspect and if desired obtain copies of records under the Freedom of Information Act. Dolcefino Consulting seeks:

- 1) Any letters sent by HUD to the Houston Housing Authority regarding current or proposed public housing development in Houston since January 1, 2020.

In *United States Department of Justice v. Reporters Committee for Freedom of the Press*, the Supreme Court ruled that the Freedom of Information Act focuses on the citizens' right to know what their government is up to. The court further held that official information that sheds light on an agency's performance of its statutory duties falls squarely within that purpose. We are seeking these letters to determine whether HUD fully evaluated projects for compliance with HUD standards. These projects are partially funded with HUD money, and HUD regulations apply to them.

5 U.S.C.S. § 552(b) provides nine exceptions to the disclosure of documents under the Freedom of Information Act. None of these exceptions apply to this request for the reasons listed below.

First, Section 552(b)(1)(A) provides for the withholding of records which are "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C.S. § 552 (LexisNexis,

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Lexis Advance through Public Law 116-128, approved March 21, 2020, with gaps of P.L. 116-109 through P.L. 116-122 and P.L. 116-124 through P.L. 116-126). This exception is not applicable to this request, as none of the documents here relate to national defense or foreign policy, and are not classified pursuant to such an order.

Next, Section 552(b)(2) protects records which are “related solely to the internal personnel rules and practices of an agency”. *Id.* This request does not seek internal personnel rules or practices.

Further, Section 552(b)(3) protects records which are “specifically exempted from disclosure by statute (other than section 552b of this title [[5 USCS § 552b](#)]), if that statute (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009 [enacted Oct. 28, 2009], specifically cites to this paragraph.” *Id.* There are no such statutes in existence which would prevent the disclosure of these documents.

Next, Section 552(b)(4) protects “trade secrets and commercial or financial information obtained from a person and privileged or confidential”. We are not requesting trade secrets, commercial information, or financial information which are privileged or confidential; therefore, this section does not apply.

Section 552(b)(5) protects “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.” Nothing which has been requested would be considered an inter or intra-agency memorandum. We have requested communications and copies of letters which were sent or received by HUD with a third-party

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governmental body.

Section 552(b)(8) protects “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions”

Id. We are not seeking any such records.

Section 552(b)(9) protects “geological or geophysical information and data, including maps, concerning wells.” *Id.* This request does not seek these types of documents.

Section 552(b)(6) protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” We do not seek personal information about the employees and officials of the Houston Housing Authority, simply letters sent by HUD regarding the governmental work done by both HUD and the HHA.

As no exceptions apply to the requested documents in this situation, we ask that you immediately comply with this FOIA request and release all pertinent documents to us which have been requested under this FOIA.

In the event that your office determines that only a portion of the responsive documentation should be made available, we remind your office of the language contained within Section 552 which states:

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated at the place in the record where such deletion is made. [5 USCS § 552.](#)

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If you have any questions or need additional information, please contact me at 713-360-6911.

Respectfully,

Wayne Dolcefino

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Exhibit A



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Fee Waiver Request

August 20, 2020

To Whom It May Concern,

5 U.S.C.A. § 552(a)(4)(A)(ii)(II) states, “[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media....”

Second, 5 U.S.C.A § 552(a)(4)(A)(iii) states, “Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information 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 the commercial interest of the requester.**”

5 U.S.C.A. § 552(a)(4)(A)(ii) contains an explanatory paragraph which thus clarifies the two above sections, “In this clause, the term ‘a representative of the news media’ means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into distinct work, and distributes that work to an audience. In this clause, the term ‘news’ means information that is about current events or that would be of current interest to the public. Examples of new-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of “news”) who make their products available for purchase by subscription or by free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.”

I am a journalist who can demonstrate a solid basis for expecting publication through my news media company, Dolcefino Consulting. Dolcefino Consulting publishes newsworthy content on several social media platforms, which reaches thousands of public followers worldwide for free.

I am entitled to invoke the fee waiver provided in 5 U.S.C.A § 552(a)(4)(A)(iii). As such, I ask for HUD to categorize this request as from a representative of the news media and not sought for commercial use. I support my formal request with the following information.

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I am one of the most highly awarded living journalists who has made a career of investigating public mismanagement, fraud, and injustice. I have received thirty Emmy Awards from the National Academy of Television Arts and Sciences, four Charles Green Awards, an Edward R. Murrow award, a National Headliner Award – First Place for Outstanding Investigative Reporting, an Investigative Reporters and Lifetime Achievement Award, numerous honors from the Associated Press and Texas Association of Broadcasters, and an unprecedented three medals from the international journalism organization Investigative Reporters and Editors.

For nearly 27 years, I headed up the 13 Undercover Unit at ABC13 KTRK-TV Eyewitness News, the local ABC affiliate in Houston, Texas. The 13 Undercover investigative unit specialized in exposing public corruption, government malfeasance and fraud. As head of the unit, I managed the investigative process, and was involved in the marketing and advertising of KTRK-TV's investigative news product.

Between 1979 and 1985, I was an investigative reporter and radio talk show host at NewsRadio 740 KTRH-AM radio.

Prior to that I worked at NewsRadio KLBK 590AM Radio in Austin, Texas.

In December 2012 I founded Dolcefino Communications LLC d/b/a Dolcefino Consulting. Dolcefino Consulting investigates fraud, misconduct, abuse of power, waste of taxpayer dollars and public corruption. Dolcefino Consulting uses the information obtained in these investigations to report newsworthy content on our news sites. Please see:

<https://dolcefino.com/>,

https://www.youtube.com/channel/UCd_IRcmZTI78GxjzrgANMBw/videos, and

<https://www.facebook.com/DolcefinoCommunicationsLlc/>

As President of Dolcefino Consulting, I am requesting records under the Freedom of Information Act.

The records requested are designed to illicit information which can better help the public understand how HUD ensures that developers who receive HUD funding are accurately ensuring their projects meet all HUD and local rules and regulations regarding environmental issues. This issue is a significant public policy issue that is not generally understood by members of the public. As “a representative of the news media” I am working diligently to publicly publish informative content on the matter.

As a representative of the news media, I rely on governmental entities cooperation in distributing public information. I am president of a media and news company and intend to use the information requested in producing a news story. I have requested information that relates to the basic purpose and nature of the HUD. I

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have requested public information and intend to disseminate it to the public.

I have no intention to use the information for a commercial purpose. I am “a representative of the news media” who works to disclose information that is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

I am a journalist. I have always been a journalist and will always be a journalist. My life’s work is exposing corruption and protecting the public right to know.

I have demonstrated a solid basis for expecting publication through my news media company, Dolcefino Consulting. Dolcefino Consulting publishes newsworthy content on several social media platforms, which reaches thousands of public followers worldwide for free.

I am entitled to invoke the fee waiver provided in 5 U.S.C.A § 552(a)(4)(A)(iii). As such, I formally request for the FBI to categorize this request as from a representative of the news media and not sought for commercial use.

If you have any questions or need additional information, please contact me at 713-360-6911.

Respectfully,

A handwritten signature in cursive script that reads "Wayne Dolcefino".

Wayne Dolcefino
Dolcefino Consulting