



**Department of the Treasury
Internal Revenue Service
Privacy, Governmental Liaison and Disclosure
GLDS Support Services**

Stop 93A
PO Box 621506
Atlanta, GA 30362

Robert E. Barnes
Barnes Law
700 S Flower Street, Suite 1000
Los Angeles, CA 90017

Date:

November 12, 2021

Employee name:

Lisa Soli

Employee ID number:

1000199298

Telephone number:

267-466-1858

Fax number:

855-203-7002

Case number:

2022-00423

Re: James C. Henry

Dear Robert E. Barnes:

This is a final response to your Freedom of Information Act (FOIA) request dated October 1, 2021, received in our office on October 7, 2021.

Item #1 – You asked for a copy of CADE Individual Master File (IMF Complete transcript) pertaining to your client for tax years 2013 through 2021.

Item #2 – You asked for a copy of records identified as “Centralized Evaluation and Processing of Information Items (CEPIIs), Evaluation and processing of Information (EOI) pertaining to your client for tax years 2013 through 2021.

Item #3 – You asked for a copy of Form 9984 entitled “Examining Officer’s Activity Record” pertaining to your client for tax years 2013 through 2021.

Item #4 – You asked for a copy of all documents and information related to any investigative work plans (Form 6085) pertaining to your client.

Item #5 – You asked for a copy of all documents and information related to and including IRS Form 9838 (Criminal Investigation Report Control Log) pertaining to your client.

Item #6 – You asked for a copy of all documents and information related to and including Criminal Tax Counsel’s criminal evaluation report pertaining to your client.

Item #7 – You asked for a copy of documents maintained in the system of records identified as “Treasury/IRS 46.002,” Criminal Investigation Management Information System (CIMIS) pertaining to your client.

Item #8 – You asked for a copy of the system of records identified as “Treasury/IRS 46.022,” Treasury Enforcement Communications System (TECS) pertaining to your client.

Item #9 – You asked for a copy of Form 2797 entitled “Referral Report for Potential Fraud Cases” pertaining to your client.

Item #10 – You asked for a copy of the Information Return Master File (IRMF) transcript pertaining to your client for tax years 2013 through 2021.

Item #11 – You asked for a copy of the “Open Balance Transcript” pertaining to your client for tax years 2013 through 2021.

Item #12 – You asked for a copy of the “ICS History Transcript” pertaining to your client for tax years 2013 through 2021.

We’re denying your request, in full, for the following reason:

FOIA exemption (b)(3) requires us to withhold information specifically exempt from disclosure by another law. The law supporting this exemption is Title 26 United States Code Section 6103(a).

If you have questions regarding the processing of your FOIA request, please contact the caseworker assigned to your case at the phone number listed at the top of this letter.

If you are not able to resolve any concerns you may have regarding our response with the caseworker, you have the right to seek dispute resolution services by contacting the FOIA Public Liaison, Stefanie Whitmore, at 267-466-1789. The FOIA Public Liaison is responsible for assisting in reducing delays, increasing transparency, and assisting in the resolution of disputes with respect to the FOIA.

There is no provision for the FOIA Public Liaison to address non-FOIA concerns such as return filing and other tax-related matters or personnel matters. If you need assistance with tax-related issues, you may call the IRS at 800-829-1040.

You also have the right to contact the Office of Government Information Services (OGIS). The Office of Government Information Services, the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and federal agencies. The contact information for OGIS is:

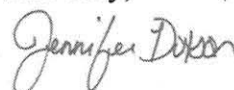
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road--OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

You have the right to file an administrative appeal within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision. I’ve enclosed Notice 393, Information on

an IRS Determination to Withhold Records Exempt From the Freedom of Information Act - 5 U.S.C. 552, to explain your appeal rights.

Your decision to contact the FOIA public liaison or OGIS for assistance resolving your dispute does not extend the 90-day period in which you can file an appeal.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Dotson".

Jennifer Dotson
Disclosure Manager
Disclosure Office 02

Enclosure:
Notice 393



Department of the Treasury
Internal Revenue Service

Notice 393

(Rev. September 2016)

**Information on an IRS Determination to
Withhold Records Exempt From
The Freedom of Information Act – 5 U.S.C. 552**

Appeal Rights

You may file an appeal with the Internal Revenue Service (IRS) within 90 days after we (1) deny you access to a record in whole or in part; (2) have made an adverse determination as to your category as a requester; (3) deny your request for a fee waiver or reduction; or (4) have advised you that no records responsive to your request exist. You may file an appeal within 10 days when a request for expedited processing has been denied.

Your appeal must be in writing, must be signed by you, and must contain:

Your name and address,

- Description of the requested records,
- Date of the request (and a copy, if possible),
- Identity of the office and contact on the response letter, and
- Date of the letter denying the request (and a copy, if possible)

Mail your appeal to:

IRS Appeals

Attention: FOIA Appeals
M/Stop 55202
5045 E. Butler Ave.
Fresno, California 93727-5136

Judicial Review

If we deny your appeal, or do not address an issue raised in your appeal within 20 days (excluding Saturdays, Sundays, or legal public holidays) after the date we receive your appeal, you may file a complaint in United States District Court in the district in which (1) you reside; (2) your principal place of business is located; (3) the records are located; or (4) the District of Columbia. A complaint may be filed within 10 days (excluding Saturdays, Sundays, or legal public holidays) after the date we receive your appeal if your appeal is from an adverse determination of a request for expedited processing. If you choose to file suit before receipt of a final determination by the Appeals office, the administrative appeals process may cease.

The rule for effecting service of judicial process upon the Internal Revenue Service is set forth in Federal Rule of

Civil Procedure 4(i). In addition to service upon the United States, as set forth in Rule 4(i)(1), service must be made upon the Internal Revenue Service by registered or certified mail as set forth in Rule 4(i)(2)(A).

The address of the Internal Revenue Service is: Internal Revenue Service, Attention CC:PA, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Exemptions

The Freedom of Information Act, 5 U.S.C. 552, does not apply to matters that are:

(b)(1) • specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified under such executive order,

(b)(2) • related solely to the internal personnel rules and practices of an agency,

(b)(3) • specifically exempted from disclosure by statute (other than section 552b of this title), provided that the statute:

(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Note: Internal Revenue Code sections 6103 and 6105 are statutes which qualify for exemption 3 treatment. Section 6103 protects the confidentiality of tax returns and information pertaining to a taxpayer collected by the IRS. Section 6105 protects information obtained from a foreign country under a tax treaty.

(b)(4) • trade secrets and commercial or financial information obtained from a person and privileged or confidential,

(b)(5) • inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency,

(b)(6) • personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,

(b)(7) • records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(A) could reasonably be expected to interfere with enforcement proceedings,

(B) would deprive a person of a right to a fair trial or an impartial adjudication,

(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(D) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(F) could reasonably be expected to endanger the life or physical safety of any individual.

(b)(8) • 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, or

(b)(9) • geological and geophysical information and data, including maps, concerning wells.