

From: [Steve Hajjar](#)
To: [Katherine N. Reynolds](#)
Cc: [Rock A. Wood](#)
Subject: EXTERNAL: RE: FOIA Follow-Up 2022-15
Date: Friday, February 25, 2022 11:59:39 AM

Katherine,

Thank you for your email of Wednesday.

The FOIA Service Center has denied your request for draft Factual and Legal Analyses under FOIA Exemption 5. We are treating them as we treat General Counsels Reports and OGC memoranda, which we explained are exempt in our letter of January 10.

The FOIA Service Center had initially intended to deny your request for statements of reasons and vote certifications. However, as you are aware, we received a FOIA appeal in another matter challenging the FOIA Service Center's withholding of SORs and vote certifications in a still open Matter Under Review. That FOIA appeal was lodged prior to our January 10 letter. As we discussed on January 27, we planned to supplement our January 10 letter once the Commission had concluded its consideration of the other appeal.

As you now know, the Commission has held over its discussion of that appeal until March 8. I now gather from your email that you would rather not wait for us to formally supplement our January 10 letter. Accordingly, you can consider your request for statements of reasons and certifications to be denied under Exemption 5. Please keep in mind, however, that those documents may be subject to discretionary release pending the Commission's further consideration of the other appeal. Please also be aware that any appeal you may lodge right now regarding statements of reasons and certifications is not likely not be considered before the Commission considers that other appeal.

We intend to provide you the responsive emails we have located on Monday or Tuesday. Unfortunately, the Presidents Day holiday caused a slight delay in processing.

Please let me know if you have any questions.

From: Katherine N. Reynolds <KReynolds@dickinson-wright.com>
Sent: Wednesday, February 23, 2022 2:09 PM
To: Steve Hajjar <shajjar@fec.gov>
Cc: Rock A. Wood <RWood@dickinson-wright.com>
Subject: FOIA Follow-Up 2022-15

Steve—

Thank you for the update regarding the Commission's timeline to respond to our FOIA request. In

order to plan our next steps, I reviewed the original response to our FOIA request, and we are requesting clarification or further information from you regarding three of the specific requests because it is unclear whether a determination has been made or communicated by the FEC. More specifically, I could not find, in the Commission's original response, a clear legal determination regarding the following three pieces of information/requests (some of these we have discussed and others we have not):

1. Any and all Statement of Reasons released by Commissioners on the MURs listed in our FOIA request
2. Any and all Factual and Legal Analysis released by the Commission on the MURs listed in our FOIA request
3. Any and all vote certifications regarding the underlying MURs listed in our FOIA request

Would you please provide me, in writing, whether the Commission has made a determination on these specific pieces of information, and if so, what the determination is for each? If the Commission is denying any of these requests, please provide me with the Exemption upon which each item/document is being denied. If the Commission has not made a conclusion/final determination regarding any of our requests, can you please provide me the reasons/bases why a conclusion has not been rendered and under what Exemption would it not be provided (the basis for a delay in providing a determination)?

Based on our recent conversation, it is also our understanding that certain documents, specifically emails from certain Commissioners, will be provided to us by the end of this week. If that understanding is not correct, please let me know.

Please send us the information requested by noon on Friday, February 25.

Thank you,

Katie

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have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.