

Attachment A

U. S. Department of State
Office of Information Programs and Services
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

June 20, 2020

Re: Privacy Act Request

To Whom This May Concern:

This is a request under the Privacy Act of 1974.

I request a copy of any and all records about me maintained at your agency in regards to "the file" and "photograph" outlined below. I have included signed DS-4240s for myself, from my wife, Eve Josar, and also a DS-4240 on behalf of my minor daughter, Colette Josar, signed by my wife. In addition to the general request, enumerated below are specific documents and records I am requesting.

Please consider that this request is also being made under the Freedom of Information Act. Please provide any additional information that may be available under the FOIA. I also request the records be provided as they are become available. If the cost for fulfilling this request is more than \$100, please contact me before completing.

In order to help determine my status to assess fees, this request is also being made as part of a news gathering purpose. In addition to being a Foreign Service Officer, I have over 20 years of experience as a journalist, including that as an investigative reporter and have received more than 50 national, state and local awards for my reporting.

Background: On Nov. 5, 2019, at approximately 8 p.m., Diplomatic Security Agent Joseph Newberry telephoned me and said he would like to speak to me at my residence in Hyderabad, India. When he arrived, he began interrogating me and my wife regarding a family snapshot (subsequently referred to as "photograph") of my daughter. In the photograph my nude smiling daughter is lovingly hugging her beloved dog, Bones, on our living room sofa. In the background of the "photograph," my daughter's friend (whose mother had earlier seen the photograph and gave it a "thumbs up" emoji) can be seen buried under a stack of pillows. Newberry accused me of sexually exploiting my daughter and others and alleged I was a child pornographer. Immediately the next day I emailed U.S. Consulate Hyderabad Consul General Joel Reifman about the accusation and actions by DS Agent Newberry, requesting an explanation. Three days later CG Reifman would only tell me "a file" had been opened regarding the "photograph" and was adamant there was no "investigation". To date, more than seven months later, no one, despite repeated requests by me and my wife, has informed us about the substance of the "file" or if any action has been taken. This Privacy Act Request/FOIA pertains to the "photograph," "file" and other actions taken against me by the U.S. State Department, specifically Diplomatic Security, regarding the "photograph."

I am currently a Foreign Service Officer posted as Fraud Prevention Manager at U.S. Consulate Hyderabad. None of the documents or records in this request apply to documents in the possession of me or my wife.

The specific documents in this request include:

1. Any and all documents, including emails, reports, memos, summaries, interview summaries, recommendations, Outlook calendar entries, WhatsApp and text messages, about me, my wife and/or my daughter regarding the "photograph" and "file" and other actions regarding me related to the "photograph" and "file" that are in the possession of the State Department, its employees and contractors. This records request encompasses documents in possession of State Department personnel generated and transmitted by non-State Department employees, outside employees, individuals and agencies, including but not limited to U.S. federal agencies in Delhi, including the Department of Homeland Security, the U.S. Justice Department, the FBI, and Customs and Border Protection. These personnel include but are not limited to CG Reifman, DS Agent Joseph Newberry, RSO John Pelesh (Hyderabad), ARSO Mike Lee (Hyderabad), Paebo Kurian (management officer Hyderabad), DCM India Edgard Kagan, U.S. Ambassador to India Kenneth I. Juster, Dr. Mark Vanelli (Regional Psychiatrist-Delhi) and Senior Regional Security Officer Greg Levin (Delhi).
2. Any emails, text messages, reports and WhatsApp messages from and to Special Agent Newberry regarding myself, the "photograph," and the "file," including transmission of the "photograph." This request also covers the transmission by Special Agent Newberry of the "photograph" using his State Department email, personal email or WhatsApp to any and all individuals.
3. Any and all documents pertaining to myself, my wife and my daughter outlined in 3 FAM 1812.3-4 "Regional Security Officer" and 3 FAM 1813.2.1 "At Post," which govern steps to be taken at post regarding "suspected child abuse." These records include:
 - a. "[D]etailed written report to the Office of Special Investigations (DS/DO/OSI) as soon as possible (normally within 24 hours)."
 - b. Any and all emails to and from OSI, the Family Advocacy Officer and the Foreign Service Medical Officer.
 - c. The "initial telegraphic report to DS vis DS Exclusive Channel message" as well as any and all subsequent reports, and replies, made via "DS Exclusive Channel messages."
4. Repeatedly during our contacts with Diplomatic Security, my wife and I referred to 3 FAM 1810 Family Advocacy Program (Child Abuse, Child Neglect, and Domestic Violence) that outlines how the State Department investigates allegations of child abuse, including sexual exploitation. We repeatedly told Diplomatic Security agents, as well as CG Reifman and Kurian, the post management officer, that Diplomatic Security was not following the FAM nor did the photograph of our nude daughter hugging our family dog fit into any FAM definition of child abuse. We were repeatedly told that Diplomatic Security does not follow the Foreign Affairs Manual or the Foreign Affairs Handbook. In respect to this, I am requesting copies of SOPs, memos, training plans and other documents that do govern and define how Diplomatic Security investigates, reports and follows through on allegations of child abuse and exploitation.
5. This request includes any and all correspondence, including emails, reports, memos, summaries, WhatsApp and text messages, relating to me, my wife and/or my daughter regarding the "photograph" and "file" in the possession of the U.S. State Department related to correspondence between State Department employees and the U.S. Justice Department, Department of Homeland Security and any other agency or private entity.

- 4) Any emails, letter or other documents that transmitted David, Eve and Colette Josar's 'out of town notification' that was filed with the RSO in Hyderabad regarding our 'rest and recuperation' travel from Dec. 2019 to January 2020 to either other State Department offices or individuals, the U.S. Justice Department, DHS and CBP.
- 7) This request covers any correspondence, emails, requests, reports and summaries from and to State Department officials, including the Office of Special Investigations, in the possession of the State Department relating to me, my wife and/or my daughter regarding the "photograph" and "file" to and from Homeland Security Investigator Nicholas "Nic" Iig, who has been stationed in Des Plaines, Illinois in January 2020, as well as his supervisor and any and all other individuals in that Homeland Security Investigations Office, specifically in Des Plaines, Illinois.
- 8) This request covers any correspondence, emails, requests, reports and summaries from and to representatives of the Office of Special Investigations (as well as in the possession of OSI personnel) including but not limited to DS Agent Theodore Nelson and DS Agent Matthew P. Knolle.
- 9) Three months after DS Agent Newberry accused me of sexually exploiting my daughter, a team of roughly six Diplomatic Security and FBI personnel arrived in Hyderabad the week of February 5, 2020, to interview me, my wife, my daughter and other known and unknown individuals. This was the first time anyone spoke to me or my wife about DS Agent Newberry's allegations. I am requesting documents relating to that visit:
 - a. DS Agents Matthew P. Knolle and Theodore Nelson, both from the Office of Special Investigations, interviewed me over a period of more than four hours on Feb. 12, 2020. They made two separate video recordings of that interview. I am requesting copies of those recordings as well as federal records storage information showing where those recordings and any copies are stored.
 - b. Any and all notes, reports, emails, interview reports, summaries and email correspondence by and in the possession of Knolle and Nelson regarding my interviews, the "photograph" and "file" and all actions they took involving me, my wife, my daughter, "the file" and the "photograph." This includes all documents, before, during and after the interview that they generated or are in their possession.
 - c. Two personnel from the FBI in Washington worked with Diplomatic Security on the "file" and involving the "photograph." They interviewed and recorded an interview with my daughter. I am requesting a copy of this interview as well as any notes and/or summaries and conclusions from that interview. I am requesting a copy of all correspondence to and from State Department personnel from these two FBI personnel as well as copies of any reports or summaries they submitted to the State Department.
 - d. Unknown Diplomatic Security agents as well as the two FBI personnel interviewed my wife, Eve Josar. I am requesting all emails, reports and summaries of those interviews with Eve Josar.
 - e. Any emails, documents, summaries, interview summaries and reports in the possession of the State Department generated by DS personnel and the FBI regarding interviews conducted during the days-long visit to US Consulate Hyderabad in February 2020 as well as any and follow up documentation. I am NOT asking that the State Department create a document listing the individuals interviewed; I am asking for the existing documents, reports and summaries of the interviews that would include the names of individuals interviewed.
 - f. Access requests to U.S. Consulate Hyderabad for the individual team members who interviewed individuals as part of the "file" and "photograph." These access requests are SOP and necessary for both individual access and permission to bring recording and electronic equipment on the consulate compound. These requests are approved by the RSO in Hyderabad and/or the RSO's staff.

10. On Nov. 12, 2019, I signed a DS-7685 witnessed by RSO John Pelesh and A/RSO Mike Lee, giving them permission to search my government-issued phone. I request a copy of this document and all email correspondence and WhatsApp messages related to this DS-7685. Later Diplomatic Security Agent Mike Lee asked me, David Josar, to sign a new form or give him a copy of the original form because the RSO had lost the form I had signed.
11. On approximately Feb. 5, 2020, I signed a second DS-7685 that gave permission to Diplomatic Security to access all my cloud-based file sharing services, including DropBox, Shutterfly, Mpix and Snapfish. I also provided DS agents my passwords and usernames for these accounts. I am requesting all emails to and from DS agents and others regarding access to my accounts, the transmission of this DS-7685 as well as my passwords and usernames, as well as an inventory, log, summaries, reports and other documents of all photographs viewed and downloaded (including taking screenshots) of my documents and photographs. On Feb. 7, 2020, I received an email from one of these storage providers stating "Your files are ready to be download" - listing photos that had been requested for download, which included a naked photograph of my wife when she was pregnant. I also am requesting any emails from and to State Department personnel who sent copies of my stored files, screen shots of photographs and actual photographs to others. (Note: I also gave Diplomatic Security permission to search my personal computer but they declined.)
12. As a federal government employee, I follow and have received training on the storage, classification and destruction of federal records. I am requesting record storage location information of any and all copies of the "photograph" that is covered by this request.
13. Any and all documents, emails and reports regarding DS Agent Joseph Newberry's actions and behavior regarding me, the "photograph" and the "file," including any counseling, recommendations for training and discipline.
14. Training records for Special Agents Newberry, Knolle and Nelson related to any classes, courses or training - both in-person and online - related to the investigation and detection of child abuse, child pornography and child exploitation. This includes the dates of such courses as well as any evaluation materials, such as a score for any exams taken.

Thank you for your consideration of this request.

Sincerely,

David Josar

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Appeals Officer
Appeals Review Panel
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David Josar
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Cheverly, MD 20785

Sept. 30, 2021

RE: Appeal of FOIA Case #F-2020-07454

To Whom It May Concern:

I am appealing the response for the FOIA I filed on June 20, 2020, which had a partial release of documents on Aug. 4, 2021. The FOIA included Privacy Act releases for David Josar, Eve Josar and Colette Josar. The two FOIA response letters are included in this appeal.

Many of the documents specifically requested were not supplied nor was an explanation given as to why they were not found or supplied; the records supplied indicate other document exists that are providable under this FOIA; and the use of the FOIA exemptions cited are inapplicable to my request. The original FOIA was made on June 20, 2020; partial documents were provided on Aug. 4, 2021.

There is no longer any active law enforcement activity and the "investigation" has been closed. I would like the missing documents supplied as they become available.

First, I am requesting that all 373 pages that had been released **be released again without the redactions** that were put in there by citing (b) (6), (b) (7) (c) and 7 (e). Also, if you wish to apply exemption (b) (3) please be specific to how that applies.

Second, I am requesting under the FOIA the **entire investigatory file compiled by Diplomatic Security agents/OSI into David Josar** including but not limited to all emails, "evidence," records, analysis, reports, photos, audio files, video, forensic analysis and

draft reports. I am also requesting all correspondence with Personnel Security and Suitability and Global Talent Management's Conduct, Suitability and Discipline. The case is closed. I am requesting the entire file.

Third, I am also specifically requesting all audio/video files that were compiled in this case including but not limited to the 'Josar video and audio recordings Part 1-5), Loehr audio recording 'Eve audio only recording', 'Colette child forensic interview video and audio recording' '(b) (6) child forensic interview audio only recording' - these are discussed on pages 167 and 168 of the original FOIA response. **Note: Explain why you would release a transcript of the four-hour plus Josar interview but NOT the actual audio and video recording?**

Fourth, Please provide all training records on file of Special Agents Newberry, Knolle and Nelson. In terms of the balancing act argued below, the public right to know what training they have received as federal law enforcement agents is more important than their right to privacy of what training they have received. In addition, the training was paid for with taxpayer dollars while they were employed by the U.S. government.

Next, I will argue why the exemptions cited in response to this FOIA request do not apply and were erroneously applied. (I will then follow with specific, enumerated citations for documents requests that were indicated by the supplied records as existing and records that were requested but simply were not supplied.)

Exemptions (b) (6), (b) (7) (c) and 7 (e) do not apply. In both exemption (b) (6) and (b) (7) (c) when the balancing act is applied, the public right to know how an agency operates outweighs any privacy rights of the individuals covered in the documents. Please resupply the FOIA documents with the data included that has been redacted.

Regarding (b) (6), when the balancing act is applied, the public right to know how an agency operates outweighs any privacy rights of the individuals whose identities would be revealed. This FOIA seeks information that illuminates how federal law enforcement "investigated" a U.S. Diplomat on false, vindictive allegations that were found time and time again to be unwarranted and without merit. The public has a right to know how that "investigation" was conducted, what information was collected and how that information was collected, evaluated shared and used. There is no use of confidential informants nor were any individuals promised anonymity.

Regarding (b) (7) (c), again when the balancing act is applied, the public right to know how an agency operates outweighs any privacy rights of the individuals whose identities would be revealed. This FOIA seeks information that illuminates how federal law enforcement "investigated" a US Diplomat on false allegations that were found time and time again to be unwarranted and without merit. The public has a right to know how that "investigation" was conducted, what information was collected and how that information was collected, shared and used; and how law enforcement acted. You have not cited the Glomar response. If there are records for this request you simply do not have, please indicate which records are not in your possession; if there are specific records

you have but are not willing to release, please indicate what that specific record is and the exemption you believe does not permit it be released.

Regarding exemption (7) (e), this exemption is also not applicable here as the techniques law enforcement uses at the Point of Entry into the US - as well as elsewhere - to search electronics are well-known, documented and easily obtainable in the public domain. Also well-known is how law enforcement can monitor cell phone conversations and traffic. Extensive and widely-available information on such techniques are published by the Electronic Freedom Foundation (EFF) as well as publications by the National Institute of Justice, which is an agency of the Department of Justice. In addition, the EFF and the University of Nevada's Reynolds School of Journalism have collaborated and published an on-line searchable "Atlas of Surveillance" that extensively outlines and details law enforcement techniques. Hence, whatever technique you cite to assert the (7) (e) exemption is moot as the Electronic Freedom Foundation, the National Institute of Justice and the "Atlas of Surveillance" make such law enforcement techniques widely known.

Specific documents requested that exist and were enumerated in the initial FOIA request but were not supplied:

1. The FOIA asked for email traffic about me, my wife and my daughter related to this investigation from numerous individuals. Some but not all were supplied. These individuals are SA Joe Newberry; CG Joel Reifman, RSO John Pelesh, ARSO Mike Lee, Management Office Paebo Kurian, DCM India Edgard Kagan, US Ambassador Kenneth Juster, RMO-P Mark Vanelli, and Senior RSO Greg Levin. This request was not limited to the names listed here but was for "any and all." From records previously supplied it is clear there was indeed email traffic involving me and my family and this "investigation." Please provide those documents.
2. The FOIA included "any emails, text messages, reports and Whats App messages" from SA Joe Newberry. None of these were supplied. Please provide these documents.
3. Included in the FOIA request is information about the Family Advocacy Council actions pertaining to me and my family. In the provided documents are email references without detail to a July 9, 2020 Family Advocacy Council meeting as well as what looks like a Nov. 19, 2019 Family Advocacy Council meeting. I am requesting copies of any and all Family Advocacy Council meeting agendas, minutes, attendees - both in person and virtually - names of those who attended invited and participated, dates and audio/video of any and meetings that occurred that involved me and my family. Please provide these documents.
4. Copies of emails, reports or other documents that shared and involved the travel plans of me and my family for Dec. 2019 through January 2020. Those travel plans are contained in our out-of-town notification requests that every Chief of Mission employee files when they travel. Please provide emails and other documents showing how these out-of-town travel requests were shared.

particularly with Diplomatic Security and outside the State Department. I suggest contacting John Pelesh, the current RSO in Hyderabad, or OSI investigators.

5. Copies of any and all emails between the State Department and ICE, DHS and CBP specifically but not limited to as it relates to travel plans during the Dec. 2019 and Jan. 2020 time frame. Please provide these documents.
6. I requested copies of access requests for US Consulate Hyderabad for Feb. 2020 that permitted members of the FBI and DS personnel to interview me, my family and others and bring in equipment. Please provide these documents
7. Any and all emails, discipline, counseling and other actions taken against DS SA Joe Newberry regarding this "investigation." If they do not exist, indicate they do not exist.

Additional documents that were not supplied but whose existence was confirmed in the 373 pages of documents previously supplied in response to this FOIA request.

1. Any copies of requests to Amazon or other private entities – including emails, letters, subpoenas and affidavits to obtain recordings related to David Josar and his family – as well as correspondence from Amazon and/or its entities or representatives. (This is in reference to the recordings taken from the government-issued iPhone of David Josar.)
2. Copies of draft emails and emails that were contained inside the Outlook account for josardi@state.gov by Diplomatic Security as part of this investigation. (Pg. 2 ad 3 of FOIA response.)
3. Copies of all emails – and responses – related to the distribution of the ROI regarding David Josar to CSD and PSS. (Pg. 4 of FOIA response.)
4. On Feb. 5, 2020, there is an email to DOJ attorney Kyle Reynolds, but no response from him. Please provide all responses from Reynolds and other Department of Justice personnel regarding David Josar in possession of the State Department. (Pg. 5 of FOIA response.)
5. Copies of the initial and additional paperwork request for the CTD request and the request to be upgraded to full-time UTM. This includes all materials requested and obtained through this request. Any and all documents, such as SOPs and procedures, for CTD request and UTM (Pg. 8 of FOIA response.)
6. A copy of the "DRAFT Josar compelled memo." (Pg. 10 of FOIA response.)
7. The full, unredacted copy of the Compelled Interview request, including comments and approvals. (Pg. 11/12 of FOIA response.)
8. All emails from DCM Edgard Kagan, DAS Julia and unidentified director that were involved in the Dec. 21 email titled "DRAFT response." (Pg. 13 of FOIA response.)
9. Copies of all emails between the Deputy Assistant for Special Investigations (this is the person who held position in Dec. 2020 as the name is not known as it has been redacted from email); DAS Juliao, Ambassador Juster and DCM Kagan. There is also mention of a copy of this email going to L/M/DS for review. All correspondence from L/M/DS regarding David Josar. Also copies of the entire email exchange. (Pg. 56 of FOIA response.)
10. Emails, reports, Outlook calendar entries and other documents that share information regarding David Josar and discussion David Josar and this investigation with Ambassador Juster, which includes any and all emails from HR/Global Management as well as OSI, CG Redman and any and all DS agents.
11. Copy of the signed PSS security clearance adjudicative review memo in an email dated Monday, Sept. 21, 2020 as well as any and all correspondence regarding this request for a security clearance adjudication regarding David Josar. This includes within DS, PSS, the chief of Adverse Actions, and lawyers for PSS (Pg. 53, 54 and 56 of FOIA response.)
12. SA Joe Newberry conducted an interview with Kristin Loehr on Nov. 8, 2019. I am requesting any and all notes, including any interviews and recordings. (Pg. 49 of FOIA response.)

13. Email exchanges between SA Newberry, CG Reisman and others regarding the photo. (Pg. 50 of FOIA response.)
14. Any and all reports, analysis, documents and emails from the Computer Investigations and Forensic Office which related to David Josar. This includes reports and information regarding monitoring of email traffic and his government-issued phone. (Pg. 54 of FOIA response.)
15. Any and all emails by Diplomatic Security to and from Marissa Ferguson and Michael Kelly. (Pg. 71 of FOIA response.)
16. Any and all communication between OSI to RSO John Pelesh as well as all correspondence between John Pelesh and OSI. (Pg. 76 of FOIA response.)
17. Copies of all photographs and emails relating to and regarding federal records storage information of the photographs described in Feb. 7, 2020 email. (Pg. 80 of FOIA response.)
18. Copies of the two documents, including one of "concerning statements" referenced in a 9/11/2020 email that states: "On Monday I'd like to talk to you about the two documents I dropped in your editing inbox. They don't need editing but I want to talk about them. One is a condensed document containing all the concerning statements Josar made in his interview and the other is a written form of the two short recordings recorded on his phone." (Pg. 88 of FOIA response.)
19. All emails from DOJ about "the seized phones." (Pg. 93 of FOIA response.)
20. Copies of both the correct AND incorrect attachments "BB" that were part of the ROI for David Josar. (Pg. 113 of FOIA response.)
21. There is reference to "OSI and DOJ reviewed the images and DOJ determined the images were not child pornography." Copies of reports, emails or other documents that discuss this review. (Pg. 148 of FOIA response.)
22. Any and all email communications as well as notes, reports and copies of data that was supplied by the CFI analyst identified in the "Josar ROI." (Pg. 163 of FOIA response.)
23. Copy of the "disc ... containing an analysis of Josar's government-issued Hyderabad phone." (Pg. 163 of FOIA response.)
24. Summary and other documents related to discussion with Trial Attorney Reynolds. (Pg. 164 of FOIA response.)
25. Emails sent to unknown person (I assume Michel Kelly) and Marissa Ferguson on Sept. 24, 2020 on Oct. 2 and response received from Ferguson on Oct. 5, 2020. ((Pg. 164 of FOIA response.)
26. Copies of the Colette Josar child forensic interview memorandum.
27. Copies of any and all emails regarding Josar to and from the Office of Global Management, especially those to and from Diplomatic Security and OSI. (Pg. 13 and Pg. 58 of the FOIA response.)
28. Copies of any and all emails and documents regarding David Josar in possession of the OIG. (Pg. 141 of the FOIA response.)

Thank you for your attention to this matter. I look forward to hearing from you shortly.

David Josar
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davidjosar@yahoo.com

U S Department of State
Office of Information Programs and Services
2201 C Street N W , Suite B266
Washington, D.C 20520-0000

September 30, 2021

Re: Privacy Act Request/FOIA

To Whom This May Concern:

This is a request under the Privacy Act of 1974.

Please consider that this request is also being made under the Freedom of Information Act. Please provide any additional information that may be available under the FOIA. I also request the records be provided as they are become available. If the cost for fulfilling this request is more than \$100, please contact me before completing.

Please supply the records as they become available. Below are the specific records I am requesting:

1. On June 20, 2020, I filed FOIA Case No. F-2020-07454. I am requesting any and all emails and other documents sent out and received to obtain, gather and review the records related to that FOIA request. I am not requesting the records the FOIA provided but rather the documents that were sent to various individuals to obtain the records. For example, I requested emails to and from, but not inclusive, of SA Joe Newberry, CG Joel Reifman, Medical Officer Mark Vanelli and Ambassador Kenneth Juster. I am seeking the emails that were sent to and received from those officials and others soliciting records being sought under the entire FOIA request.
2. I am requesting any and all reports, documents, memos, emails, and notes on file regarding me, David Josar, on file with Diplomatic Security/Personnel Security and Suitability. I am requesting all documents going back to 2009 when I was granted my first security clearance. This request also includes:
 - a. In response to my June 2019 FOIA, I was provided a copy of a memo submitted by OSI titled "Recommendation for Security Clearance Adjudicative Review of David Josar." I request any and all documents, emails, reports, and supporting documents related to this review as well as any other recommendations for a security clearance review of David Josar.
 - b. I am also undergoing my period security clearance renewal. I am requesting any and all questions submitted to Special Investigator Daniel Supnick related to this re-investigation that he was requested to ask me.
3. In March 2021, OSI forward a ROI regarding David Josar to Global Management's Conduct, Suitability and Discipline unit. I am requesting that report and attachments and any and all correspondence, emails and reports involving David Josar in possession of that office as well as correspondence between CSD and Diplomatic Security regarding that case and me.
4. I am also requesting any and all emails and correspondence regarding me, David Josar, to and from Global Talent Management and its employees. This includes emails to and from Consular Affairs as it relates to my bidding and placement during the Summer 2021 bid cycle, specifically regarding any Diplomatic Investigations and my ability to serve overseas.

to and from DCM Edgard Kagan and Ambassador Juster; to and from Hyderabad CG Joel Reifman; and to and from Diplomatic Security and OSI.

5. Any and all travel vouchers, as well as travel orders, submitted and filed by Special Agents Matthew W. Kearsø, Matthew P. Knolle, Joseph Newberry, John Pelesh, and Theodore Nelson from between Jan. 1, 2020 to date.
6. Any and all travel vouchers, as well as travel orders, submitted and filed by former U.S. Ambassador Kenneth Juster between Jan. 1, 2020 and March 1, 2021.
7. Any and all travel vouchers, as well as travel orders, submitted and filed by Hyderabad CG Joel Reifman from between Jan. 1, 2020 to present.
8. Records documenting any and all training received by Special Agent Matthew W. Kearsø.
9. The resume on file for Special Agent Matthew W. Kearsø.

Sincerely,

David Josar

5835 Dewey St.

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davidjosar@yahoo.com

484-456-9070



United States Department of State

Washington, D.C. 20520

March 17, 2022

David Josar
5835 Dewey Street
Cheverly, MD 20785

Email: davidjosar@yahoo.com

Dear Mr. Josar:

Thank you for your email of March 10, 2022, inquiring about the status of your appeal in case number A-2022-00031. The Department of State has a large number of Freedom of Information Act and Privacy Act appeals pending, and your appeal will be processed in turn. The FOIA Status office will respond on the status of your pending FOIA request F-2022-00993.

The Freedom of Information Act provides that a requester shall be deemed to have exhausted his/her administrative remedies if an agency fails to respond to an appeal within the 20-day time period provided by the statute, and the requester may then seek judicial review. Since the 20-day period has elapsed, you may seek judicial review should you wish to do so.

Sincerely,

/s/

Lori Hartmann
Appeals Officer
Office of Information Programs and Services

Ref: F-2022-00993, Freedom of Information Act Acknowledgement

From: a_foiaacknowledgement@groups.state.gov

To: davidjosar@yahoo.com

Date: Tuesday, November 2, 2021 at 10:08 AM EDT

****THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.****

Mr. Josar:

This email acknowledges receipt of your September 30, 2021, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on October 22, 2021, regarding 1. All records and emails related to the processing of FOIA Case No. F-2020-07454, 2. All reports, documents, memos, emails, and notes on file regarding David Josar, on file with DS/PSS, going back to 2009, 3. Report, attachments, correspondence and emails between GTM/CSD and DS regarding David Josar, 4. Any and all emails regarding David Josar, to and from GTM and its employees, 5. Any and all travel vouchers, as well as travel orders, submitted by Special Agents Matthew W. Kearse, Matthew P. Knolle, Joseph Newberry, John Pelesh, and Theodore Nelson, from Jan. 1, 2020 to date, 6. Any and all travel vouchers, as well as travel orders, submitted and filed by former U.S. Ambassador Kenneth Juster, between Jan 1, 2020, and March 1, 2021, 7. Any and all travel vouchers, as well as travel orders, submitted and filed by Hyderabad CG Joel Reifman from Jan. 1, 2020 to present, 8. Records documenting any and all training received by Special Agent Matthew W. Kearse, and 9. The resume on file for Special Agent Matthew W. Kearse. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

****THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.****

RE: Update on the Department of State Request P-2020-00970

From: Lewis, Keri E (lewiske@state.gov)

To: davidjosar@yahoo.com

Date: Thursday, April 22, 2021 at 08:32 PM EDT

Dear Mr. Josar,

Thank you for the email. Please be advised that the Office of Information Programs and Services ("IPS") is continuing to process the portions of your request numbered P-2020-00970 that seek records from Department of State components outside the Bureau of Diplomatic Security ("DS"), including by tasking non-DS bureaus and offices for potentially responsive records.

The email below was a routine notification to inform you that, in the course of the review of your request, IPS determined that your request also asked for records relating to DS. As such, in accordance with standard Department practice, IPS split the case and transferred that portion of the request asking for DS records to that Bureau for direct response to you under case number P-2021-01185. I do hope this helps to clarify.

Best,
Keri

Keri Lewis
Branch Chief
US Department of State

From: David Josar <davidjosar@yahoo.com>
Sent: Wednesday, April 21, 2021 1:24 PM
To: Stewart, Avonne <StewartAC@state.gov>
Subject: Re: Update on the Department of State Request P-2020-00970

Avonne: I would like to remind you that actions to deliberately not be responsive to a FOIA request/Privacy Act request are barred by law. Could you please tell me who the "we have determined... falls under the purview of the Bureau of Diplomatic Security"? Many of the records in this FOIA request are not maintained by Diplomatic Security or not exclusively maintained by Diplomatic Security. The Department has not provided a single document in response to this request -- not even a document that has been redacted.

Let me state clearly here, I believe this is deliberate attempt to prevent from disclosure documents that are releasable under FOIA. In addition, over a month ago, Diplomatic Security has indicated their investigation is over - hence any law enforcement FOIA exception, which is not absolute, would no longer apply. Attached is the original FOIA with ADDED highlights of documents that ARE not related to any investigation by Diplomatic Security. Below each below point, I will add NON Diplomatic Security individuals who would be in possession of such materials. These individuals are not inclusive to those who would be in possession of such documents.

Again, I would like to repeat that I believe your response indicates a deliberate attempt to shield from public view documents that are public records. I look forward to your response. I can be reached at 484-456-9070. I would like to note, this FOIA request was made in June 2020. What are the reasons for the delay in responding? David Josar

* Any and all documents, including emails, reports, memos, summaries, interview summaries, recommendations, Outlook calendar entries, WhatsApp and text messages, about me, my wife and/or my daughter regarding the "photograph" and "file" and other actions regarding me related to the "photograph" and "file" that are in the possession of the State Department, its employees and contractors. This records request encompasses documents in possession of State Department

personnel generated and transmitted by non-State Department employees, outside employees, individuals and agencies, including but not limited to U.S. federal agencies in Delhi, including the Department of Homeland Security, the U.S. Justice Department, the FBI, and Customs and Border Protection. These personnel include but are not limited to CG Reifman, DS Agent Joseph Newberry, RSO John Pelesh (Hyderabad), ARSO Mike Lee (Hyderabad), Paebo Kurian (management officer Hyderabad), DCM India Edgard Kagan, U.S. Ambassador to India Kenneth I. Juster, Dr. Mark Vanelli (Regional Psychiatrist-Delhi) and Senior Regional Security Officer Greg Levin (Delhi). Non-DS personnel include: CG Reifman, Mgt. Officer Kurian (I witnessed him taking notes), DCM Edgard Kagan, US Ambassador Kenneth Juster, Dr. Mark Vanelli and others.

*Any and all emails to and from OSI, the Family Advocacy Officer and the Foreign Service Medical Officer. The Family Advocacy Officer and the Foreign Service Medical Officer. CG Reifman has stated in an interview with an EEO counselor that a Family Advocacy Committee meeting was held. There are emails, notes and reports from such a meeting. Again, why have they not been supplied?

* In respect to this, I am requesting copies of SOPs, memos, training plans and other documents that do govern and define how Diplomatic Security investigates, reports and follows through on allegations of child abuse and exploitation. Copies of policies on how the Department investigates child abuse are federal records.

* *This request includes any and all correspondence, including emails, reports, memos, summaries, WhatsApp and text messages, relating to me, my wife and/or my daughter regarding the "photograph" and "file" in the possession of the U.S. State Department related to correspondence between State Department employees and the U.S. Justice Department, Department of Homeland Security and any other agency or private entity.*

* *This request covers any correspondence, emails, requests, reports and summaries from and to State Department officials, including the Office of Special Investigations, in the possession of the State Department relating to me, my wife and/or my daughter regarding the "photograph" and "file" to and from Homeland Security Investigator Nicholas "Nic" Ilg, who has been stationed in Des Plaines, Illinois in January 2020, as well as his supervisor and any and all other individuals in that Homeland Security Investigations Office, specifically in Des Plaines, Illinois.*

* *Access requests to U.S. Consulate Hyderabad for the individual team members who interviewed individuals as part of the "file" and "photograph." These access requests are SOP and necessary for both individual access and permission to bring recording and electronic equipment on the consulate compound. These requests are approved by the RSO in Hyderabad and/or the RSO's staff. This is a simple public record.*

On Friday, April 16, 2021, 01:11:44 PM EDT, <stewartac@state.gov> wrote:

Dear Requester:

This email follows the acknowledgement receipt of your Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services with the assigned case number P-2020-00970.

Upon further analysis, we have determined that a portion of your request seeking the "photograph," "file" and other actions taken against David Josar by the U.S. State Department, specifically Diplomatic Security falls under the purview of the Bureau of Diplomatic Security(DS). The Bureau of Diplomatic (DS) is an independent component within the Department and responds to request for records that you have requested. To best process this portion of the request, we have created an additional case, case number P-2021-01185, and transferred it to the DS which will respond to you directly with those records.

Please be advised that the Office of Information and Program Services continues to administer the coordination and processing of all aspects of your request. Any questions should be directed to our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at (202) 261-8484. Please include all case numbers associated with your request in all correspondence.

Regards,

Avonne Stewart

Avonne Stewart | U.S. Department of State |

FOIA Office | Fax: 202.261.8588 |

www.foia.state.gov [Virtual Reading Room](#)

Update on the Department of State Request P-2020-00970

From: stewartac@state.gov

To: davidjosar@yahoo.com

Date: Friday, April 16, 2021 at 01:11 PM EDT

Dear Requester:

This email follows the acknowledgement receipt of your Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services with the assigned case number P-2020-00970.

Upon further analysis, we have determined that a portion of your request seeking the "photograph," "file" and other actions taken against David Josar by the U.S. State Department, specifically Diplomatic Security falls under the purview of the Bureau of Diplomatic Security(DS). The Bureau of Diplomatic (DS) is an independent component within the Department and responds to request for records that you have requested. To best process this portion of the request, we have created an additional case, case number P-2021-01185, and transferred it to the DS which will respond to you directly with those records.

Please be advised that the Office of Information and Program Services continues to administer the coordination and processing of all aspects of your request. Any questions should be directed to our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at (202) 261-8484. Please include all case numbers associated with your request in all correspondence.

Regards,

Avonne Stewart

Avonne Stewart | U.S. Department of State |
FOIA Office | Fax: 202.261.8588 |
www.foia.state.gov Virtual Reading Room



United States Department of State
Washington, D.C. 20520

AUG 04 2021

FOIA Case #: F-2020-07454 Segment II

Mr. David Josar
6230 Hyderabad Place
Dulles, VA 20189

Dear Mr. Josar:

Further reference is made to your June 20, 2020, Freedom of Information Act (FOIA) request to the Department of State. By previous correspondence, we advised you that additional information remained under review. This letter addresses Segment II, which consists of 10 audio/video files.

After careful review, I have determined that two audio files are being released to you in full. Eight audio/video files are withheld in their entirety pursuant to:

- 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of an individual's personal privacy.
- 5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of an individual's personal privacy.

Please note, two audio/video files, cited as Attachment T and Attachment V, are not housed within the Bureau of Diplomatic Security, Office of Special Investigations (DS/DO/OSI). These audio/video files are maintained by the Federal Bureau of Investigation (FBI). I recommend that you submit a FOIA/PA request to the FBI if you would like to attempt to obtain these records.

You may contact our FOIA Requester Service Center or our FOIA Public Liaison for any further assistance and to discuss any aspect of your request via email at Foiastatus@state.gov or telephone at (202) 261-8484.

T = 6/24/21
U-7

- 5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes, the release of which would divulge techniques and procedures for law enforcement investigations or prosecutions.

Portions of 23 pages originated with other federal agencies and have been referred for their review. The Department will notify you of the results as soon as they become available.

Portions of five pages originated with another federal agency and have been referred for their review and direct reply to you.

Finally, the records of training of the requested DS Special Agent have been withheld pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(C). A signed waiver of consent from the person involved is required, and as such, any related records cannot be released.

You may contact our FOIA Requester Service Center or our FOIA Public Liaison for any further assistance and to discuss any aspect of your request via email at Foiastatus@state.gov or telephone at (202) 261-8484.

If you are not satisfied with DOS's determination in response to this request, you may administratively appeal by writing to: Appeals Officer, Appeals Review Panel, Office of Information Programs and Services (IPS), U.S. Department of State, A/GIS/IPS/PP/LA, HST Room B266, 2201 C Street, NW, Washington, D.C. 20520, or faxed to 202-485-1718. Appeals must be postmarked within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response. Additionally, if you are not satisfied with DOS's determination in response to your request, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Sincerely,



Michael Caramelo, Chief
DS/MGT/FOIA-PA
Freedom of Information and
Privacy Act Division
Bureau of Diplomatic Security

Enclosures:
373 Pages

Appeal.
6/1/23
→



United States Department of State

Washington, D.C. 20520

AUG 04 2021

FOIA Case #: F-2020-07454 Segment I

Mr. David Josar
6230 Hyderabad Place
Dulles, VA 20189

Dear Mr. Josar:

Reference is made to your June 20, 2020 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of State for a copy of all records related to allegations of child sexual exploitation that were investigated by the Office of Special Investigations (DS/DO/OSI), the Family Advocacy Program, and the Bureau of Medical Services. Specifically, you request all records regarding you, your wife, and/or your daughter in relation to the "photograph" and "the file." This includes any records of transmission of the photograph, copies of your signed DS-7685 forms, transmission of the access to your personal accounts, your "out of town notification", all records relating to DS/DO/OSI and the Federal Bureau of Investigation's (FBI) travel to Hyderabad, and any correspondence with Homeland Security Investigations. Finally, you also requested all records that govern and define how the Bureau of Diplomatic Security investigates allegations of child abuse and proof of child abuse training of the Special Agent involved with your case.

The Bureau of Diplomatic Security (DS) was re-forwarded your request on April 21, 2021 as the investigation is now closed. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request.

Please be advised that a search has been conducted in DS and numerous pages and audio/video files were located that are responsive to your request. For administrative purposes, your request has been divided into two parts. This letter addresses Segment I, which consists of 374 pages. Information still under review will be addressed under separate cover.

After careful review, I have determined that 141 pages are being released to you in full. Portions of 231 pages and one page, in its entirety, are withheld pursuant to:

- 5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by Statute 18 U.S.C. § 1460 et seq.
- 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of an individual's personal privacy.
- 5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of an individual's personal privacy.

If you are not satisfied with DOS's determination in response to this request, you may administratively appeal by writing to: Appeals Officer, Appeals Review Panel, Office of Information Programs and Services (IPS), U.S. Department of State, A/GIS/IPS/PP/LA, HST Room B266, 2201 C Street, NW, Washington, D.C. 20520, or faxed to 202-485-1718. Appeals must be postmarked within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response. Additionally, if you are not satisfied with DOS's determination in response to your request, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Sincerely,



Michael Caramelo, Chief
DS/MGT/FOIA-PA
Freedom of Information and
Privacy Act Division
Bureau of Diplomatic Security

Enclosures:
Two Audio Files

Attachment B

RE: David J. Josar

From: "Poindexter, Eric D" <poindextered@state.gov>
To: "Kearse, Matthew W" <kearsemw@state.gov>
Cc: "Thornton-Conner, Cheri" <connerlt@state.gov>, "Poeschl, Natasha M" <poeschlnm@state.gov>
Date: Mon, 28 Sep 2020 15:27:23 -0400

Thanks Matt. I look forward to speaking with you.

[REDACTED]

From: Kearse, Matthew W <KearseMW@state.gov>
Sent: Monday, September 28, 2020 3:26 PM
To: Poindexter, Eric D <PoindexterED@state.gov>
Cc: Thornton-Conner, Cheri <ConnerLT@state.gov>; Poeschl, Natasha M <PoeschlNM@state.gov>
Subject: RE: David J. Josar

Sure thing, 11am works for us. I'll send a calendar invite. Please call 1-877-873-8017, pin is 9110376. Natasha will be the host.

SBU -LAW ENFORCEMENT

From: Poindexter, Eric D <PoindexterED@state.gov>
Sent: Monday, September 28, 2020 3:23 PM
To: Kearse, Matthew W <KearseMW@state.gov>
Cc: Thornton-Conner, Cheri <ConnerLT@state.gov>; Poeschl, Natasha M <PoeschlNM@state.gov>
Subject: RE: David J. Josar

Hi Matt,

Yes, that's an acceptable time for me. Would you be able to include the Sr. Adjudicator [REDACTED] on the call.

[REDACTED]

From: Kearse, Matthew W <KearseMW@state.gov>
Sent: Monday, September 28, 2020 3:19 PM
To: Poindexter, Eric D <PoindexterED@state.gov>
Cc: Thornton-Conner, Cheri <ConnerLT@state.gov>; Poeschl, Natasha M <PoeschlNM@state.gov>
Subject: RE: David J. Josar

Hello Eric, are you available to speak on the phone tomorrow after 11am with my supervisor, Natasha?

Thanks,
Matt

[REDACTED]

From: Poindexter, Eric D <PoindexterED@state.gov>
Sent: Monday, September 28, 2020 12:24 PM
To: Kearse, Matthew W <KearseMW@state.gov>
Cc: Thornton-Conner, Cheri <ConnerLT@state.gov>
Subject: David J. Josar

Good Afternoon SA Kearse,
As Adverse Actions Division is working on the suspension recommendation for Mr. Josar's security clearance; our legal department had a few questions concerning the investigative points of interest. Would you be able to provide your responses to those inquiries?

The OSI memo dated September 18 states that Mr. Josar is under investigation for notoriously disgraceful conduct, poor judgment, and misuse of government electronics. These are violations of the FAM: 3 FAM 4377.41, 3 FAM 4377.43, and 3 FAM 4377.24, respectively. Is Mr. Josar also under investigation for violations of criminal law? For example:

- 18 USC 2251 (Sexual exploitation of children)
- 18 USC 2252 (Certain activities relating to material involving the sexual exploitation of minors) [REDACTED]

- 18 USC 2252A (Certain activities relating to material constituting or containing child pornography)

If not, why not? It will be difficult to identify a security concern under Guideline J (Criminal Conduct), and therefore Guideline D (Sexual Conduct – sexual behavior of a criminal nature), if there is no evidence (including a credible allegation) of criminal conduct.

Relatedly, why does the OSI memo characterize the 70 additional images that CIF found on Mr. Josar's government-issued phone as "non-pornographic." Does that mean that the images did not meet the definition of "child pornography" or "sexually explicit conduct" under 18 USC 2256?

Eric D. Poindexter, Chief,
DS/SI/PSS/AA
SA-20, 11th Floor
Ofc. 571-345-3216

[REDACTED]

[REDACTED]

[REDACTED]

Attachment C

RE: Request IMMEDIATE meeting to discuss why documents were NOT included in my FOIA/PA requests ..Fw: FOIA F-2020-07454

From: Caramelo, Michael D (caramelomd@state.gov)
To: davidjosar@yahoo.com
Cc: hartmannl@state.gov
Date: Tuesday, May 31, 2022 at 12:04 PM EDT

Mr. Josar:

The document attached was obtained outside of the FOIA/PA process. There are a myriad of ways of requesting documents from the Department. Each method is subject to different rules of access and releasability. As a result, you will see discrepancies in the review determinations between these access methods. Records obtained through one method will not necessarily be obtainable either in part or in full through one of the other ways of requesting documents.

Your FOIA appeal continues to progress. A de novo search of your original request resulted in approximately 700 additional pages for review. This new material was largely located in a search of the email system which was not included in the initial search. Once completed, the package will be forwarded to the Department Appeals Officer for final disposition.

Respectfully,

Michael D. Caramelo
Division Chief
DS/MGT/FOIA-PA
Freedom of Information Act and
Privacy Act Division
Bureau of Diplomatic Security
U.S. Department of State
SA-20, Room 14B27
Tel: **571-345-2712** FAX: 571-345-2721

This email is unclassified based on the definitions provided in E.O. 13526, as amended
DS/EX is committed to customer service. [Let us know how we're doing.](#)

From: David Josar <davidjosar@yahoo.com>
Sent: Friday, May 27, 2022 3:10 PM
To: Caramelo, Michael D <CarameloMD@state.gov>
Cc: Garcia Watkins, Indira <GarciaWatkinsI@state.gov>; FOIA Status <FOIAStatus@state.gov>; Hartmann, Lorraine <HartmannL@state.gov>
Subject: Request IMMEDIATE meeting to discuss why documents were NOT included in my FOIA/PA requests ..Fw: FOIA F-2020-07454

Michael and Lorraine:

Attachment D

Re: Status Update: FOIA F-2020-07454

From: David Josar (davidjosar@yahoo.com)
To: caramelomd@state.gov
Cc: hartmannl@state.gov
Date: Friday, June 24, 2022 at 02:11 PM EDT

Michael: I appreciate the heads up and update.

David

Sent from my iPhone

On Jun 24, 2022, at 13:41, Caramelo, Michael D <CarameloMD@state.gov> wrote:

Mr. Josar:

Per our phone conference earlier this month I promised to provide you with a status update of your FOIA Appeal case by 6/24/22. DS/MGT/FOIA-PA has completed the review package and response. It was sent to the DS Legal Advisor for clearance, which is required before obtaining PDAS signature. Once I have secured the PDAS signature I will hand deliver the package to Ms. Hartmann.

Respectfully,

Michael D. Caramelo

Division Chief
DS/MGT/FOIA-PA

Freedom of Information Act and
Privacy Act Division
Bureau of Diplomatic Security
U.S. Department of State
SA-20, Room 14B27
Tel: **571-345-2712** FAX: 571-345-2721

This email is unclassified based on the definitions provided in E.O. 13526, as amended

DS/EX is committed to customer service. [Let us know how we're doing.](#)

Attachment E

RE: Request for meeting ASAP FOIA/PA Appeal A-2022-00031, FOIA/PA 2022-00993

From: Hartmann, Lorraine (hartmannl@state.gov)

To: davidjosar@yahoo.com

Date: Friday, February 10, 2023 at 03:03 PM EST

I really don't have any additional information. I am not the reviewing official. We hope to have it finished by the end of March.

From: David Josar <davidjosar@yahoo.com>

Sent: Wednesday, February 8, 2023 4:54 PM

To: Hartmann, Lorraine <HartmannL@state.gov>

Subject: Re: Request for meeting ASAP FOIA/PA Appeal A-2022-00031, FOIA/PA 2022-00993

Lorraine: Thank you for responding. Is there a reason you cannot or will not meet with me? I previously had worked as a reporter and have filed literally 100s of FOIA requests. In my past experience, I could easily get a meeting to discuss the requests; get some of the records as others were being procured; and negotiate the release of some records.

The appeal - as well as a new FOIA/PA request was filed in Sept 2021 and no records, denial or other communications about the appeal and request, except an acknowledgement, was provided.

Let me know if you can find time for me on your calendar.

David Josar

484-456-9070.

Sent from my iPhone

On Feb 8, 2023, at 16:30, Hartmann, Lorraine <HartmannL@state.gov> wrote:

Mr. Josar, we will be unable to meet with you this week. Please be advised, we process appeals on a first in, first out basis and there are other pending appeals in queue before yours. However, we hope to finish the processing of your appeal by the end of March 2023. The 700 additional records located by DS will be addressed in the appeal.

Sincerely, Lori Hartmann

From: David Josar <davidjosar@yahoo.com>
Sent: Thursday, February 2, 2023 3:57 PM
To: Caramelo, Michael D <CarameloMD@state.gov>; Hartmann, Lorraine <HartmannL@state.gov>
Cc: Christian, Spencer D <ChristianSD@state.gov>; Mater, Joshua R <MaterJR@state.gov>; Schools, Jacqueline <SchoolsJ@state.gov>; Miller, Jeanne <MillerJ5@state.gov>; Weetman, Susan C <WeetmanSC@state.gov>
Subject: Request for meeting ASAP FOIA/PA Appeal A-2022-00031, FOIA/PA 2022-00993

Michael and Lorraine:

I hope you are well. I'd like to request a meeting as soon as possible with the appropriate Department officials, including legal advisers, to discuss the status of FOIA/PA Appeal A-2022-00031 and FOIA/PA 2022-00993. I have copied on this email individuals whom I believe have equities in this FOIA/PA request/appeal.

I would like to know what records you can provide me now; reasons for delays; what you have done to secure the records; as well as a response to my appeal. If you are aware of any deliberate actions taken by DS and other DOS employees to stop the release of releasable records, I would also like to know who those individuals are and the reasons given for not releasing the records.

Attached are PDF files of my FOIA/PA requests; letter responses (not documents) and back and forth regarding production of the documents; and letters from DOS explaining delays and the records that were supplied.

Michael - In an email from you dated June 24, 2022, you state DS records had been sent to the DS Legal Advisor and that once it was cleared, you needed to secure the signature from the PDAS.

Lorraine - I have received absolutely zero records in response to PA 2022-00993 or an explanation as to why records were not provided.

My initial FOIA/PA was made in June 2020; my appeal of that FOIA was in Sept. 2021; FOIA/PA 2022-00993 was filed in Sept. 2021.

On June 1, 2022, we held a Teams meeting where Michael explained personnel would review various documents shortly; and then he gave me the email update on June 24, 2022.

Also addressed by Michael were 700 emails that had been discovered new but had not been provided but would be reviewed and provided. That was seven months ago. I have had no response.

I would like to have an in-person meeting by Thursday, Feb. 9, 2023 and address both the records still missing in the possession of Diplomatic Security as well as the records in possession of the State Department outside of Diplomatic Security.

I can be reached at 484-456-9070.

I look forward to your response.

David Josar

I'd like to request an immediate meeting to discuss the Department's flagrant disregard of the FOIA/PA laws and get my outstanding requests resolved immediately. I recently obtained the below document and others that should have been included in my requests. I am troubled as to what the possible reasons could be and would like an immediate meeting to discuss how to resolve this and the other outstanding unfulfilled request. Why wasn't this included?

Feel free to push this up your chain of command.

I can be reached at 484-456-9070.

David Josar

On Wednesday, September 8, 2021, 10:39:06 AM EDT, Caramelo, Michael D <caramelomd@state.gov> wrote:

Mr. Josar:

Thank you for voicing your concerns related to our recent response to your FOIA request. As just discussed in our phone conversation, you are welcome to file an appeal of the review determination and/or thoroughness of records provided to you. The appeal process will address any issues you raise and involve a de-novo review of our original search efforts and review determinations. The final determination will come from the Department of State's Appeal Review Panel. Below for your reference is the appeal language previously cited in our earlier response to your request:

If you are not satisfied with DOS's determination in response to this request, you may administratively appeal by writing to: Appeals Officer, Appeals Review Panel, Office of Information Programs and Services (IPS), U.S. Department of State, A/GIS/IPS/PP/LA, HST Room B266, 2201 C Street, NW, Washington, D.C. 20520, or faxed to 202-485-1718. Appeals must be postmarked within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response. Additionally, if you are not satisfied with DOS's determination in response to your request, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Respectfully,

Michael D. Caramelo
Division Chief
DS/MGT/FOIA-PA
Freedom of Information Act and
Privacy Act Division
Bureau of Diplomatic Security
U.S. Department of State

SA-20, Room 14B27

Tel: 571-345-2712 FAX: 571-345-2721

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From: David Josar <davidjosar@yahoo.com>

Sent: Tuesday, September 7, 2021 8:41 AM

To: Caramelo, Michael D <CarameloMD@state.gov>

Cc: Garcia Watkins, Indira <GarciaWatkinsI@state.gov>; FOIA Status <FOIAStatus@state.gov>

Subject: When do you have time to discuss? Fw: FOIA F-2020-07454

Michael:

When I returned from Kabul last week, I found and reviewed the documents that were provided in response to my FOIA and Privacy Act requests dated June 20, 2020. Thank you.

Do you have time for a phone call to discuss missing documents, the extensive use of Exemption 7 (c), the failure to provide all the actual audio, photographic, and video files requested and the failure to provide the entire Diplomatic Security "investigation" file involving me? I can be reached at 484-456-9070. If you think this is a discussion that should involve your supervisor, that would be great. Anything that can expedite my records request would be appreciated.

I would also note that I had provided Privacy Act Waivers regarding the release of documents regarding Colette Josar; that the Diplomatic Security "investigation" has been closed; and you provided only 2 brief audio files on the one DVD provided - neither of which had time or date stamps.

I also want some clarity on whether your response was the final response to my State Department FOIA/Privacy Act Request or just the part under purview of Diplomatic Security. I am aware that you asserted part of the files were in the possession of the Justice Department and they have been contacted - but those records should be part of the Diplomatic Security "investigation" into me, and then why weren't they included as they most likely would have been part of the investigative file?

And I'd like to briefly touch upon here the extensive use of the exemption 7 (c).

First, I'd like to remind you of the Reporters Committee and SafeCard decisions as well as Lissner v United States Customs Service and Favish v. Office of Independent Counsel, which have concluded there exists no "blanket exemption for the names of all [law enforcement] personnel in all documents."

Second in terms of the balancing test, it is clear the the rights of the individual (me) in this case outweigh the privacy rights of those whose names were listed in the documents that were provided.

Again, the case is closed, and a review of the incomplete portion of the records that were provided illustrate the actions of Diplomatic Security and others against me and my family. In short, Diplomatic Security attempted to get criminal charges filed me; attempted to get a search warrant executed against me; and attempted to get my security clearance reviewed/pulled. In each of those instances lawyers and/or other agencies found those attempts by Diplomatic Security to be unwarranted, inappropriate or not supported by the facts.

In terms of the balancing test, it is clear my rights to know who was pursuing and leveling these unfounded, heinous allegations against me outweighs the privacy rights of the individuals who carried out this investigation and took action against me.

I look forward to a time where we can discuss and I can go into more detail of documents that appear missing and exemptions that may have been inappropriately or mistakenly applied.

David Josar
484-456-9070

From: Caramelo, Michael D <CarameloMD@state.gov>
Sent: Monday, August 9, 2021 10:37 AM
To: Josar, David J <JosarDJ@state.gov>
Subject: FOIA F-2020-07454

Mr. Josar:

We have completed a review of the above-cited request. Due to the delay in processing, I wanted to confirm your mailing address before I send the package out. I currently have: 6230 Hyderabad Place, Dulles, VA 20189.

Respectfully,

Michael D. Caramelo

Division Chief
[DS/MGT/FOIA-PA](#)

Freedom of Information Act and
Privacy Act Division
Bureau of Diplomatic Security
U.S. Department of State
SA-20, Room 14B27
Tel: **571-345-2712** FAX: 571-345-2721

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