

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
ACCOUNTABILITY FBI, INC.,)	
2337 Magazine St. Unit D)	
New Orleans, LA 70130)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 24-2512
)	
U.S. DEPARTMENT OF JUSTICE,)	
950 Pennsylvania Avenue, NW)	
Washington, DC 20530-0001)	
)	
Defendant.)	
)	
_____)	

COMPLAINT

Plaintiff Accountability FBI, Inc. (“Plaintiff”) brings this action against Defendant U.S. Department of Justice (“DOJ”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331, as this action arises under 5 U.S.C. § 552(a)(4)(B).
2. Venue is proper in the District of Columbia pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

PLAINTIFF

3. Plaintiff is a non-profit organization incorporated in Louisiana with a principal place of business in New Orleans, LA. The specific objectives and purposes of the Plaintiff are to provide for greater public accountability of the Federal Bureau of Investigation (“FBI”), DOJ, and other

government entities, and educate the public about them, through public transparency of those institutions by providing legal services as follows: 1) representing FBI whistleblowers in making protected disclosures of government wrongdoing under 5 U.S.C. § 2303 or under the First Amendment to the U.S. Constitution; 2) litigating cases involving FBI employees' constitutional and due process rights which may set precedent to protect future whistleblowers; 3) making FOIA requests of the FBI, DOJ, and other government entities, and litigating those requests that are denied or redacted, as appropriate, for public dissemination of the information obtained; and 4) providing other services that will further transparency and accountability of government entities and officials, and educate the public about them.

DEFENDANT

4. Defendant U.S. Department of Justice ("DOJ") is a federal agency headquartered in Washington, DC. DOJ is a federal agency within the meaning of 5 U.S.C. § 552(f)(1), located at 950 Pennsylvania Avenue NW, Washington, DC 20530. The DOJ Office of the Inspector General ("OIG") is a component of DOJ. Thus, upon information and belief, DOJ, through its component, has possession, custody, and control of the records, within the meaning of 5 U.S.C. § 552(f)(2), to which the Plaintiff seeks access.

FACTS

I. DOJ HAS FAILED TO RESPOND TO ELEVEN FOIA REQUESTS WITHIN THE STATUTORY TIME PERIOD.

A. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN FBI SPECIAL AGENT IN CHARGE AND OTHERS FOR ENGAGING IN FAVORITISM IN THE WORKPLACE, MULTIPLE VIOLATIONS OF HIRING POLICIES, AND RELATED MISCONDUCT.

5. On July 15, 2022, in order to expose misconduct by an FBI executive, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 22-088, posted

to oig.justice.gov on July 7, 2022. A copy of the investigative summary is attached.

6. OIG Investigative Summary 22-088 is titled, “Findings of Misconduct by a then Special Agent in Charge and two Assistant Special Agents in Charge for Engaging in Favoritism in the Workplace, Multiple Violations of Hiring Policies, and Related Misconduct.”

7. On July 19, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 22-OIG-229.

8. On August 19, 2024, the Plaintiff sent an email to the OIG requesting the status of the request. As of August 30, 2024, the OIG provided no response.

9. In the more than two years since the OIG acknowledged receipt of FOIA request 22-OIG-229, the Plaintiff has received no further correspondence from the OIG about the request.

B. FOIA REQUEST FOR OIG RECORDS ABOUT FBI WHISTLEBLOWER COMPLAINTS.

10. On July 29, 2022, in order to educate the public about the effectiveness of FBI whistleblower protections, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the following records dated, received, or created between January 1, 2016 and July 29, 2022: 1) copies of all FBI employees’ written allegations of reprisal for making a protected disclosure which were made to DOJ OIG, as described in 28 C.F.R. § 27.3(a)(1), regardless of whether the allegations were substantiated; 2) copies of all written notices provided by DOJ OIG to any person making those allegations (hereinafter “complainant”), as required by 28 C.F.R. § 27.3(c); 3) copies of any and all written statements containing the factual findings and conclusions justifying the termination of an investigation provided by DOJ OIG to complainants under 28 C.F.R. § 27.3(g); 4) copies of any and all comments submitted by a complainant to DOJ OIG after the complainant was provided a written statement of termination of investigation under 28 C.F.R. § 27.3(g); 5) copies of any and all written statements provided by DOJ OIG to a complainant under 28 C.F.R. § 27.3(h); 6) copies of any and all final reports of investigations by the DOJ OIG of any allegations by an FBI employee that he/she suffered reprisal for making a protected disclosure. Please redact identifying information of any employee for whom the disclosure of his/her identity would be an unwarranted invasion of privacy.

11. On August 2, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of

the request which was assigned request number 22-OIG-247.

12. On August 19, 2024, the Plaintiff sent an email to the OIG requesting the status of the request. As of August 30, 2024, the OIG provided no response.

13. In the more than two years since the OIG acknowledged receipt of FOIA request 22-OIG-247, the Plaintiff has received no further correspondence from the OIG about the request.

C. FOIA REQUEST FOR OIG REPORTS ABOUT FBI EXECUTIVE MISCONDUCT.

14. On July 29, 2022, in order to help the public better understand DOJ handling of FBI executive misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request all DOJ OIG final reports, or any other written document describing the OIG's findings, determinations, and/or conclusions, resulting from investigations into allegations of misconduct against FBI Senior Executive Service ("SES") officials that were finalized any time between January 1, 2008 and July 29, 2022.

15. On August 2, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 22-OIG-250.

16. On August 19, 2024, the Plaintiff sent an email to the OIG requesting the status of the request. As of August 30, 2024, the OIG provided no response.

17. In the more than two years since the OIG acknowledged receipt of FOIA request 22-OIG-250, the Plaintiff has received no further correspondence from the OIG about the request.

D. FOIA REQUEST FOR OIG REPORTS ABOUT MISCONDUCT BY VARIOUS FBI OFFICIALS.

18. On October 3, 2022, in order to help the public better understand misconduct by various FBI officials, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full reports related to the following OIG investigative summaries which were posted to the OIG's website: 20-076, titled "Findings of Misconduct by FBI Senior Officials for Violations of Federal Ethics Rules and FBI Policies," posted July

8, 2020; 20-077, titled “Findings of Misconduct by an FBI Senior Official for Retaliating Against an FBI Employee for Suspected Reporting of Alleged Ethics Violations,” posted July 8, 2020; 20-080, titled “Findings of Reasonable Grounds to Believe that an FBI Analyst Suffered Reprisal as a Result of Protected Disclosures in Violation of FBI Whistleblower Regulations,” posted July 9, 2020; 20-081, titled “Findings of Misconduct by a then Federal Bureau of Investigation Unit Chief for Engaging in an Improper, Intimate Relationship with a Subordinate and Related Misconduct,” posted July 10, 2020; 20-088, titled “Findings of Misconduct by a then Federal Bureau of Investigation Unit Chief for Approving a Subordinate’s Outside Employment Form Knowing that the Form Contained Misleading Information and Dereliction of Supervisory Responsibilities,” posted July 29, 2020; 21-030, titled “Findings of Misconduct by an FBI Assistant Special Agent in Charge for Engaging in Unwanted Physical Sexual Contact with Three FBI Employees, Making Offensive Sexual Comments to FBI Employees, and Consuming Alcohol and Providing Alcohol to Subordinates and Visitors in a Federal Building While on Duty,” posted January 14, 2021; 21-039, titled “Findings of Misconduct by an FBI Assistant Special Agent in Charge for Asking a Supervisory Special Agent to Convey Knowingly Inaccurate Information to Their Chain of Command,” posted February 10, 2021; 21-062, titled “Findings of Misconduct by former FBI Special Agent in Charge for Making Two False Statements,” posted April 19, 2021; 21-090, titled “Findings of Misconduct by a then FBI Special Agent in Charge and two then FBI Assistant Special Agents in Charge for Their Roles in an Unauthorized \$2 Million Purchase of Intellectual Property Related to a Classified Undercover Operation and Related Misconduct,” posted July 6, 2021; 21-096, titled “Findings of Misconduct by a Then- Senior FBI Official for Having Numerous Unauthorized Contacts with the Media, and for Accepting Unauthorized Gifts from Members of the Media,” posted July 20, 2021; 21-098, titled “Findings of Misconduct by an FBI Assistant Director for Failure to Timely Report a Romantic Relationship with a Subordinate and Related Misconduct,” posted July 22, 2021; 21-103, titled “Findings of Misconduct by a then FBI Unit Chief for Failure to Satisfy Financial Obligations and Honor Just Debts, Misuse of Position by Requesting and Obtaining a Loan from a Subordinate, and Lack of Candor in FBI and Federal Financial Disclosure Forms,” posted August 4, 2021; 22-006, titled “Findings of Misconduct by a then FBI Supervisory Special Agent for Time and Attendance Fraud,” posted November 9, 2021; 22-012, titled “Findings of Misconduct by then FBI Officials for Soliciting, Procuring, and Accepting Commercial Sex while On FBI Assignment Overseas, Lack of Candor to the OIG, and Related Misconduct,” posted December 14, 2021; 22-030, titled “Findings of Misconduct by a Senior FBI Official for Failure to Timely Report a Romantic Relationship with a Subordinate, Lack of Candor, and Related Misconduct; and by another (now Retired) Senior FBI Official for Failure to Take Proactive Measures Necessary to Mitigate Adverse Consequences of the Romantic Relationship,” posted January 20, 2022; 22-069, titled “Findings of Misconduct by a Senior FBI Official for Failure to Recuse in a Matter of Financial Interest,” posted April 21, 2022.

19. On October 4, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 23-OIG-001.

20. On August 19, 2024, the Plaintiff sent an email to the OIG requesting the status of the request. As of August 30, 2024, the OIG provided no response.

21. In the more than twenty-two months since the OIG acknowledged receipt of FOIA request 23-OIG-001, the Plaintiff has received no further correspondence from the OIG about the request.

E. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN FBI SPECIAL AGENT IN CHARGE FOR MAKING AN INAPPROPRIATE AND INTIMIDATING STATEMENT TO A SUBORDINATE FBI SPECIAL AGENT.

22. On November 2, 2023, in order to help the public better understand DOJ handling of FBI executive misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 23-102, posted to oig.justice.gov on September 12, 2023. A copy of the investigative summary is attached.

23. OIG Investigative Summary 23-102 is titled, “Findings of Misconduct by a then FBI Special Agent in Charge for Making an Inappropriate and Intimidating Statement to a Subordinate FBI Special Agent.”

24. On November 3, 2023, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-035.

25. In the more than nine months since the OIG acknowledged receipt of FOIA request 24-OIG-035, the Plaintiff has received no further correspondence from the OIG about the request.

F. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN DOJ TRIAL ATTORNEY FOR CONDUCT PREJUDICIAL TO THE GOVERNMENT AND ATTEMPTED MISUSE OF POSITION.

26. On November 2, 2023, in order to help the public better understand DOJ handling of DOJ trial attorney misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-002, posted to oig.justice.gov on October 17, 2023. A copy of the investigative summary is attached.

27. OIG Investigative Summary 24-002 is titled, “Findings of Misconduct by a then DOJ Trial Attorney for Conduct Prejudicial to the Government and Attempted Misuse of Position.”

28. On November 3, 2023, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-036.

29. In the more than nine months since the OIG acknowledged receipt of FOIA request 24-OIG-036, the Plaintiff has received no further correspondence from the OIG about the request.

G. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN TRIAL ATTORNEY FOR VIOLATIONS OF DEPARTMENT POLICY REGARDING USE OF NON-OFFICIAL EMAIL ACCOUNTS AND REMOVAL OF FEDERAL RECORDS.

30. On November 2, 2023, in order to help the public better understand DOJ handling of DOJ trial attorney misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-003, posted to oig.justice.gov on October 17, 2023. A copy of the investigative summary is attached.

31. OIG Investigative Summary 24-003 is titled, “Findings of Misconduct by a then Trial Attorney for Violations of Department Policy Regarding Use of Non-Official Email Accounts and Removal of Federal Records.”

32. On November 3, 2023, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-038.

33. In the more than nine months since the OIG acknowledged receipt of FOIA request 24-OIG-038, the Plaintiff has received no further correspondence from the OIG about the request.

H. FOIA REQUEST FOR OIG REPORT FINDING RETALIATION AND UNPROFESSIONAL CONDUCT BY A THEN SENIOR FBI OFFICIAL RELATED TO AN EARLIER OIG INVESTIGATION IN WHICH THE SENIOR OFFICIAL WAS THE SUBJECT.

34. On November 15, 2023, in order to help the public better understand misconduct by senior FBI officials, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-008, posted to oig.justice.gov on November 14, 2023. A copy of the investigative summary is attached.

35. OIG Investigative Summary 24-008 is titled, “Findings of Retaliation and Unprofessional Conduct by a then Senior FBI Official Related to an Earlier OIG Investigation in which the Senior Official was the Subject.”

36. On November 15, 2023, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-054.

37. In the more than nine months since the OIG acknowledged receipt of FOIA request 24-OIG-054, the Plaintiff has received no further correspondence from the OIG about the request.

I. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN-FBI LEGAL ATTACHÉ FOR UNAUTHORIZED DISCLOSURE OF SENSITIVE INFORMATION, FALSE STATEMENTS, FAILURE TO COOPERATE, AND RELATED MISCONDUCT.

38. On January 3, 2024, in order to help the public better understand misconduct by FBI officials, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-015, posted to oig.justice.gov on December 5, 2023. A copy of the investigative summary is attached.

39. OIG Investigative Summary 24-015 is titled, “Finding of Misconduct by a then-FBI Legal Attaché for Unauthorized Disclosure of Sensitive Information, False Statements, Failure to

Cooperate, and Related Misconduct.”

40. On January 5, 2024, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-103.

41. In the more than seven months since the OIG acknowledged receipt of FOIA request 24-OIG-103, the Plaintiff has received no further correspondence from the OIG about the request.

J. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY AN FBI THEN ACTING DEPUTY ASSISTANT DIRECTOR FOR HARASSING A SUBORDINATE IN VIOLATION OF THE DEPARTMENT’S ZERO TOLERANCE POLICY ON HARASSMENT AND FBI POLICY AND ENGAGING IN UNPROFESSIONAL CONDUCT ON DUTY IN VIOLATION OF FBI POLICY.

42. On January 3, 2024, in order to help the public better understand misconduct by senior FBI officials, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-021, posted to oig.justice.gov on January 2, 2024. A copy of the investigative summary is attached.

43. OIG Investigative Summary 24-021 is titled, “Finding of Misconduct by an FBI Then-Acting Deputy Assistant Director for Harassing a Subordinate in Violation of the Department’s Zero Tolerance Policy on Harassment and FBI Policy and Engaging in Unprofessional Conduct on Duty in Violation of FBI Policy.”

44. On January 5, 2024, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-104.

45. In the more than seven months since the OIG acknowledged receipt of FOIA request 24-OIG-104, the Plaintiff has received no further correspondence from the OIG about the request.

K. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A FORMER FBI UNIT CHIEF FOR PROHIBITED POST-EMPLOYMENT COMMUNICATIONS AND MISUSE OF POSITION.

46. On January 9, 2024, in order to help the public better understand misconduct by FBI

officials, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 23-006, posted to oig.justice.gov on December 1, 2022. A copy of the investigative summary is attached.

47. OIG Investigative Summary 23-006 is titled, “Findings of Misconduct by Former FBI Unit Chief for Prohibited Post-Employment Communications and Misuse of Position.”

48. On January 11, 2024, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-109.

49. In the more than seven months since the OIG acknowledged receipt of FOIA request 24-OIG-109, the Plaintiff has received no further correspondence from the OIG about the request.

II. UNLAWFUL WITHHOLDING OF THE NAMES OF FBI EXECUTIVES FOUND TO HAVE ENGAGED IN MISCONDUCT.

A. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY AN FBI SPECIAL AGENT IN CHARGE FOR ENGAGING IN SEXUAL CONTACT WITH A SUBORDINATE IN AN OFFICIAL GOVERNMENT VEHICLE AND SEXUAL COMMUNICATIONS WITH TWO OTHER SUBORDINATE STAFF MEMBERS.

50. On September 25, 2022, in order to help the public better understand DOJ handling of FBI executive misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 22-107, posted to oig.justice.gov on September 20, 2022. A copy of the investigative summary is attached.

51. OIG Investigative Summary 22-107 is titled, “Findings of Misconduct by an FBI Special Agent in Charge for Engaging in Sexual Contact with a Subordinate in an Official Government Vehicle and Sexual Communications with Two Other Subordinate Staff Members.”

52. On September 29, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 22-OIG-317.

53. An FBI Special Agent in Charge (“SAC”) is a member of the Senior Executive Service (“SES”).

54. According to OIG Investigative Summary 22-107, the FBI SAC found to have engaged in misconduct retired during the investigation.

55. On September 29, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 22-OIG-317.

56. On November 22, 2022, the OIG provided a copy of the requested records, an OIG report, with some information redacted, including the identity of the SAC who was found to have engaged in misconduct. The OIG cited FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C), as the basis for its redactions.

57. On November 24, 2022, the Plaintiff appealed to DOJ Office of Information Policy (“OIP”) the OIG’s redaction of the name of the FBI SAC found to have engaged in misconduct.

58. On May 1, 2023, OIP affirmed the OIG’s redaction of the SAC’s name under FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C).

B. FOIA REQUEST FOR OIG REPORT FINDING MISCONDUCT BY A THEN FBI SAC FOR ETHICAL VIOLATIONS PERTAINING TO FINANCIAL CONFLICT OF INTEREST AND USE OF PUBLIC OFFICE FOR PRIVATE GAIN.

59. On March 14, 2024, in order to help the public better understand DOJ handling of FBI executive misconduct, the Plaintiff submitted a FOIA request to the OIG through the FOIA.gov online portal as follows:

Request the full report or reports related to OIG investigative summary 24-048, posted to oig.justice.gov on March 5, 2024. A copy of the investigative summary is attached.

60. OIG Investigative Summary 24-048 is titled, “Findings of Misconduct by a then FBI Special Agent in Charge for Ethical Violations Pertaining to Financial Conflict of Interest and Use of Public Office for Private Gain.”

61. On March 18, 2024, the OIG provided a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-206.

62. According to OIG Investigative Summary 24-048, the SAC found to have engaged in misconduct retired prior to being contacted by the OIG for an interview.

63. On May 15, 2024, the OIG provided a copy of the requested records, an OIG report, with some information redacted, including the identity of the FBI SAC who was found to have engaged in misconduct. The OIG cited FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C), as the basis for its redactions.

64. On May 16, 2024, the Plaintiff appealed to OIP the OIG's redaction of the name of the FBI SAC found to have engaged in misconduct.

65. On August 26, 2024, OIP affirmed the OIG's redaction of the SAC's name under FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C).

COUNT ONE

Violation of FOIA, 5 U.S.C. § 552

Failure to Respond to Eleven FOIA Requests Within the Statutory Time Period

66. The foregoing allegations are re-alleged and incorporated herein by reference.

67. DOJ is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

68. The OIG is a component of DOJ.

69. On July 15, 2022, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 22-088. On July 19, 2022, the OIG acknowledged receipt of the request and assigned it request number 22-OIG-229.

70. On July 29, 2022, the Plaintiff submitted a FOIA request for records about FBI whistleblower complaints. On August 2, 2022, the OIG acknowledged receipt of the request and assigned it request number 22-OIG-247.

71. On July 29, 2022, the Plaintiff submitted a FOIA request for records about FBI

executive misconduct. On August 2, 2022, the OIG acknowledged receipt of the request and assigned it request number 22-OIG-250.

72. On October 3, 2022, the Plaintiff submitted a FOIA request for records related to OIG investigative summary numbers 20-076, 20-077, 20-080, 20-081, 20-088, 21-030, 21-039, 21-062, 21-090, 21-096, 21-098, 21-103, 22-006, 22-012, 22-030, 22-069. On October 4, 2022, the OIG acknowledged receipt of the request and assigned it request number 23-OIG-001.

73. On November 2, 2023, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 23-102. On November 3, 2023, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-035.

74. On November 2, 2023, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 24-002. On November 3, 2023, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-036.

75. On November 2, 2023, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 24-003. On November 3, 2023, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-038.

76. On November 15, 2023, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 24-008. On November 15, 2023, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-054.

77. On January 3, 2024, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 24-015. On January 5, 2024, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-103.

78. On January 3, 2024, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 24-021. On January 5, 2024, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-104.

79. On January 9, 2024, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 23-006. On January 11, 2024, the OIG acknowledged receipt of the request and assigned it request number 24-OIG-109.

80. The OIG has failed to respond to eleven of the Plaintiff's requests (assigned OIG request numbers 22-OIG-229, 22-OIG-247, 22-OIG-250, 23-OIG-001, 24-OIG-035, 24-OIG-036, 24-OIG-038, 24-OIG-054, 24-OIG-103, 24-OIG-104, 24-OIG-109) within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

81. Accordingly, the Plaintiff has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

82. By failing to release all responsive, non-exempt records, the OIG has violated FOIA. *See* 5 U.S.C. § 552(a)(3)(A).

COUNT TWO

Violation of FOIA, 5 U.S.C. § 552

Unlawful Withholding of Names of FBI Executives Found to Have Engaged in Misconduct

83. The foregoing allegations are re-alleged and incorporated herein by reference.

84. DOJ is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

85. The OIG is a component of DOJ.

86. On September 25, 2022, the Plaintiff submitted a FOIA request for records related to OIG Investigative Summary 22-107 to the OIG through the FOIA.gov portal.

87. OIG Investigative Summary 22-107 is titled, "Findings of Misconduct by an FBI Special Agent in Charge for Engaging in Sexual Contact with a Subordinate in an Official Government Vehicle and Sexual Communications with Two Other Subordinate Staff Members."

88. On September 29, 2022, the OIG issued a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 22-OIG-317.

89. On November 22, 2022, the OIG provided a copy of the requested records, an OIG

report, with some information redacted, including the identity of the FBI SAC who was found to have engaged in misconduct.

90. According to OIG Investigative Summary 22-107, the SAC found to have engaged in misconduct retired during the investigation.

91. On November 24, 2022, the Plaintiff appealed to OIP the OIG's redaction of the name of the FBI SAC found to have engaged in misconduct in the report related to OIG Investigative Summary 22-107.

92. On May 1, 2023, OIP affirmed the OIG's redaction of the SAC's name from the report related to OIG Investigative Summary 22-107 under FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C).

93. On March 14, 2024, the Plaintiff submitted a FOIA request to the OIG for records related to OIG Investigative Summary 24-048 through the FOIA.gov online portal.

94. OIG investigative summary 24-048 is titled, "Findings of Misconduct by a then FBI Special Agent in Charge for Ethical Violations Pertaining to Financial Conflict of Interest and Use of Public Office for Private Gain."

95. On March 18, 2024, the OIG provided a letter to the Plaintiff acknowledging receipt of the request which was assigned request number 24-OIG-206.

96. According to OIG Investigative Summary 24-048, the SAC found to have engaged in misconduct retired prior to being contacted by the OIG for an interview.

97. On May 15, 2024, the OIG provided a copy of the requested records related to OIG investigative summary 24-048 with some information redacted, including the identity of the FBI SAC who was found to have engaged in misconduct. The OIG cited FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C), as the basis for its redactions.

98. On May 16, 2024, the Plaintiff appealed to OIP the OIG's redaction of the name of

the FBI SAC found to have engaged in misconduct described in OIG investigative summary 24-048.

99. On August 26, 2024, OIP affirmed the OIG's redaction of the SAC's name under FOIA Exemptions 6 and 7, 5 U.S.C. §§ 552(b)(6),(7)(C).

100. An FBI SAC is a member of the SES.

101. Considering the OIG withheld the identities of high-ranking FBI officials, and the tendency of high-level FBI officials to escape punishment for misconduct by retiring, Defendant is improperly withholding records under 5 U.S.C. §§ 552(b)(6),(7)(C), because any privacy interest in the SACs' identities is outweighed by an overriding public interest.

RELIEF

WHEREFORE, Plaintiff respectfully requests relief as follows:

102. An injunction requiring DOJ to produce, by a date certain, all records responsive to Plaintiff's FOIA requests.

103. Costs and reasonable attorney fees.

104. Such other relief as this Court deems just and equitable.

Respectfully Submitted,

August 30, 2024

/s/ Michael S. Zummer
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