

Exhibit 5



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

November 27, 2024

FOIA No.: 2025-OF-00030

Lauren Russell
Ballard Spahr, LLP.
1909 K Street NW, FL 12
Washington, DC 20006

VIA ELECTRONIC MAIL: russell@ballardspahr.com

Dear Ms. Russell:

This acknowledges receipt of your November 12, 2024, Freedom of Information Act (FOIA), 5 U.S.C. § 552, request to the Department of the Treasury (Treasury), seeking:

1. Documents containing factual information collected and reviewed by the Office of Foreign Assets Control (“OFAC”) in connection with implementing the sanctions related to Executive Orders (“E.O.”) 13692, 13808, 13827, 13835, 13850, 13857, and 13884.
2. Statements of policy and interpretation regarding E.O. 13692, 13808, 13827, 13835, 13850, 13857, and 13884 that were not published in the federal register.
3. Documents containing factual information collected and reviewed by OFAC in connection with implementing OFAC’s Venezuela Sanctions Regulations at 31 CFR part 591.
4. Statements of policy and interpretation regarding OFAC’s Venezuela Sanctions Regulations at 31 CFR part 591 that were not published in the federal register.
5. Documents containing factual information collected and reviewed by OFAC in connection with implementing any other U.S. sanctions on Venezuela.
6. Documents containing factual information collected and reviewed by OFAC in connection with any response to a reconsideration petition related to U.S. sanctions on Venezuela.
7. Documents containing factual information collected and reviewed by OFAC in connection with designating the following individuals and entities as Specially Designated Nationals and Blocked Persons under E.O. 13850: Raul Antonio Gorrin Belisario on January 8, 2019; Petroleos de Venezuela, S.A. on January 28, 2019; Evrofinance Mosnarbank on March 11, 2019; Banco Central de Venezuela on April 17, 2019; Cubametales on July 3, 2019; and Rosneft Trading S.A. on February 18, 2020.

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8. Documents containing factual information collected and reviewed by OFAC in connection with designating the following individuals and entities as Specially Designated Nationals and Blocked Persons under E.O. 13692: Simon Alejandro Zerpa Delgado and Carlos Erik Malpica Flores on July 26, 2017; Rodolfo Clemente Marco Torres on January 5, 2018; Diosdado Cabello Rondón and José David Cabello Rondón on May 18, 2018; Manuel Salvador Quevedo Fernandez on February 15, 2019; Iliana Josefa Ruzza Terán on April 17, 2019.”

Treasury referred this matter to its Office of Foreign Assets Control (OFAC) for processing on November 15, 2024.

Per your meeting with the FOIA assistant director and subsequent email provided to you on November 20, 2024, you intend to provide clarifying search terms and custodians for parts 1-5 of your request and the entities or individuals of who’s reconsideration petition you are seeking for part 6 of your request. Additionally, you clarified the scope of your request for parts 7 and 8 to administrative record (designation package) supporting the designation of Raul Antonio Gorrin Belisario, Petroleos de Venezuela, S.A, Evrofinance Mosnarbank, Banco Central de Venezuela, Evrofinance Mosnarbank, Banco Central de Venezuela, Cubametales, Rosneft Trading S.A, Simon Alejandro Zerpa Delgado, Carlos Erik Malpica Flores, Rodolfo Clemente Marco Torres, Diosdado Cabello Rondón, José David Cabello Rondón, Manuel Salvador Quevedo Fernandez, Iliana Josefa Ruzza Terán. The administrative record is the signed evidentiary memorandum with attached supporting documentation (exhibits) justifying the designation of specific entities and persons. The designation package or administrative record is the official document used by the Director, OFAC to designate entities and individuals under OFAC’s designation authorities. Note: Disclosure determinations of records received from other governmental agencies must be coordinated with those agencies before a release determination on these records can be made.

Furthermore, if you are unable to provide the information for parts 1-6, you intend to withdraw these parts of the request and seek the clarified scope of parts 7 and 8. OFAC is experiencing a substantial backlog of FOIA requests that has adversely affected its response time; we may encounter some delay in processing your request. Per Section 1.4(a) of the Treasury FOIA regulations, 31 C.F.R., Subtitle A, Part 1, Subpart A, the Department ordinarily processes FOIA requests according to their order of receipt. Although Treasury’s goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As the subject matter of your request is of substantial interest to two or more components of this Agency or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, Treasury will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 477 open requests ahead of yours.

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For fee purposes, we have determined that you are a “commercial” requester. The FOIA, specifically 5 U.S.C. § 552(a)(4)(A), and Treasury FOIA regulations at 31 C.F.R. § 1.7, allow us to recover part of the cost of addressing your request. As a “commercial” requester, you will be charged the full direct costs of searching for, reviewing, and duplicating the records sought. Duplication will be assessed at 15-cents per page, and search and review time will be assessed at the salary rate(s) (basic pay plus 16 percent) of the employee(s) making the search and review. **We have construed your request as an agreement to pay up to \$25.00. You will be contacted before any additional fees are accrued.**

Please be aware that, should records responsive to your request exist, they may contain sensitive business information. OFAC is required to process such records through its submitter notice process. This process can add, at minimum, an additional 30 days to the processing of your request. Please see 31 C.F.R. § 1.5.

Please be advised that OFAC will neither confirm nor deny the existence of investigative records, pursuant to exemption (b)(7)(A) of the FOIA, unless there was an actual investigation that resulted in a designation or enforcement action, or the investigation is publicized. The mere acknowledgement of an investigation could reveal classified information and thereby cause harm to our national security posture. Until an actual designation, enforcement action or public acknowledgement of an investigation by Treasury has occurred, release of any information confirming or denying the existence of an investigation could conceivably tip off the subjects of pending investigations. The mere acknowledgement of an OFAC investigation would allow the subject of the investigation the opportunity to engage in asset flight and change their habits and routines such that an enforcement action or designation would be impossible to obtain. Conversely, if OFAC were to acknowledge that it was not investigating an individual that was involved in criminal activity, that information alone may embolden the individual in their continued criminal activities.

Additionally, to the extent that your request seeks records which are subject to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) [21 U.S.C. §§ 1901-08], please be aware that all records or information obtained or created pursuant to the Kingpin Act is exempt from the provisions of the FOIA (5 U.S.C. § 552(b)(3)) pursuant to 21 U.S.C. § 1904(e)(3).

You may seek dispute resolution services from our Treasury FOIA Public Liaison by contacting Mark Bittner, Director, FOIA and Transparency at 202-622-8098 or FOIAPL@treasury.gov.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. 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; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Your request has been assigned FOIA No. **2025-OF-00030**. Please reference this number in any future communication. If you have any questions regarding this matter, you may contact us at our FOIA Requester Service Center via email at OFACFOIAOffice@treasury.gov or via telephone at (202) 622-2500, option 3.

Sincerely,

Janine Sorto

Digitally signed by Janine
Sorto
Date: 2024.11.27 08:15:09
-05'00'

Janine Sorto
FOIA Administrator
Information Disclosure and Records Management
Office of Sanctions Support and Operations
Office of Foreign Assets Control