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1 Harold Edward Rutila IV  
2 2255 Arkansas Lane  
3 #258  
4 Grand Prairie, TX 75052  
5 (810) 845 – 3497  
6 h.rutila@gmail.com  
7 Plaintiff in *Pro Se*

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF TEXAS**  
10 **DALLAS DIVISION**

11  
12 Case No.: **8-16CV-2911B**

13 Harold Edward Rutila IV,  
14 Plaintiff,  
15  
16 vs.  
17 United States Department of  
18 Transportation;  
19 Federal Aviation Administration,  
20 Defendants

21  
22 **COMPLAINT FOR INJUNCTIVE**  
23 **RELIEF**

24 Plaintiff Harold Edward Rutila IV, brings this action against Federal Defendants  
25 U.S. Department of Transportation and Federal Aviation Administration to compel  
26 compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and the  
27 Privacy Act, 5 U.S.C § 552a (“PA”). As grounds therefor, Plaintiff alleges as follows:  
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**JURISDICTION AND VENUE**

1. The court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff Harold Edward Rutila IV is a resident of Grand Prairie, Texas. Plaintiff submitted the relevant FOIA requests while residing in Michigan, but has since moved. Plaintiff seeks to promote transparency, accountability, and integrity in government. Plaintiff has been impacted by Defendants' actions with respect to Plaintiff's employment with Defendant Federal Aviation Administration.
4. Defendant U.S. Department of Transportation ("DOT") is an agency of the United States Government, within the meaning of FOIA, pursuant to 5 U.S.C. § 552(f). DOT is a cabinet-level department. Through its various operating administrations, the DOT promulgates regulations and policies governing transportation within the United States, including aviation. DOT is headquartered at 1200 New Jersey Avenue, SE. Washington, DC 20590.
5. Defendant Federal Aviation Administration ("FAA") is the national aviation authority of the United States. As an operating administration and component of the DOT, it has authority to regulate all aspects of American civil aviation. The

1 FAA retains possession, custody, and control over the records sought by Plaintiff.

2 FAA is headquartered at 800 Independence Ave SW, Washington, DC 20591.

3  
4 **GENERAL ALLEGATIONS**

5 6. Plaintiff challenges Defendants' failure to provide responsive documents, or an  
6 adverse determination, within the statutory time limits required by FOIA.

7 Defendants have therefore constructively denied Plaintiff's requests, pursuant to 5  
8 U.S.C. § 552(a)(6)(C).

9  
10 7. Plaintiff is consolidating several FOIA requests within the same action, in an  
11 attempt to conserve resources for all parties and this Court. All requests are not  
12 related, but all requests do involve the same requestor and agency.

13  
14 8. The Department of Transportation is considered the "agency", within the meaning  
15 of FOIA, for FOIA requests submitted to the Federal Aviation Administration.

16  
17 9. The Federal Aviation Administration is an operating administration and  
18 component within the agency that is the DOT. 49 CFR § 7.2.

19 10. The time limits with respect to FOIA begin "after the request is received by the  
20 appropriate FOIA Requester Service Center designated in [49 CFR] § 7.27." 49  
21 CFR § 7.31.

22  
23 **2016-009143 – "Emails of FAA Academy Officials"**

24 11. On or about September 7, 2016, Plaintiff submitted a FOIA and PA request via  
25 electronic mail seeking access to records under both the FOIA and PA concerning  
26  
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1 Plaintiff, including emails and chat messages from January 1, 2016 to the present  
2 for five named agency employees. *See* Exhibit 1 – 2016-009143 Submission.

3  
4 12. Plaintiff submitted the above mentioned request to the appropriate component and  
5 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.

6 13. Defendant FAA's timer to begin processing the request began on September 7<sup>th</sup>.

7  
8 14. On or about September 7, 2016, Plaintiff received an electronic message from  
9 Defendant FAA Employee Terry Julian stating that he is "[...] no longer the FOIA  
10 coordinator. In the future please go to the FOIA website to submit your request  
11 [...]." *See* Exhibit 2 – 2016-009143 Julian Email.

12  
13 15. On or about September 14, 2016, Defendant FAA acknowledged the request and  
14 assigned the request tracking number 2016-009143. *See* Exhibit 3 – 2016-009143  
15 Acknowledgment.

16 16. Defendant assigned the request to the Aeronautical Center and the Air Traffic  
17 Organization. *Id.*

18  
19 17. On or about September 21, 2016, Plaintiff received correspondence from  
20 Defendant FAA Employee Dean Torgerson, assessing fees in the amount of  
21 \$184.00 for the request. *See* Exhibit 4 – 2016-009143 Fee Assessment.

22  
23 18. On or about September 21, 2016, Plaintiff replied to the correspondence from  
24 Defendant FAA Employee Dean Torgerson, and agreed to pay \$184 for the  
25 request. *See* Exhibit 5 – 2016-009143 Fee Concurrence.

1 19. On or about September 21, 2016, Plaintiff was told by Defendant FAA Employee  
2 Dean Torgerson that payment would not have to be made in advance. *See Exhibit*  
3 *6 – 2016-009143 Pre-Payment.*  
4

5 20. On or about October 11, 2016, Plaintiff notified Defendant of a change of address.  
6 *See Exhibit 7 – Change of Address.*

7 21. Plaintiff has yet to receive any other communication from Defendant FAA  
8 regarding this request.  
9

10 22. Plaintiff incorporates the original request and all correspondence as if fully  
11 restated herein.  
12

13 23. As of the date of the Complaint, Defendants have failed to: (i) produce the  
14 requested records or determine that the requested records are lawfully exempt  
15 from production; (ii) notify Plaintiff of the scope of any responsive records  
16 Defendant intends to produce or withhold and the reasons for any withholdings; or  
17 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
18 determination.  
19

20 24. As more than twenty working days have passed since the date the request was  
21 received by the appropriate component and operating administration of the DOT,  
22 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
23 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
24 U.S.C. § 552(a)(6)(C)(i).  
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1 25. Defendant is unable to charge search fees for this request, as it has failed to  
2 provide responsive records within the statutory time limits. 5 U.S.C. §  
3 552(a)(4)(A)(viii).  
4

5 **2016-009145 – “Madeline Bostic EEO Information”**

6 26. On or about September 7, 2016, Plaintiff submitted a FOIA and PA request via  
7 electronic mail seeking access to records under both the FOIA and PA concerning  
8 Madeline Bostic’s Equal Employment Opportunity (“EEO”) informal complaint.  
9 See Exhibit 8 – 2016-009145 Submission.  
10

11 27. Plaintiff submitted the above mentioned request to the appropriate component and  
12 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.  
13

14 28. Defendant FAA’s timer to begin processing the request began on September 7<sup>th</sup>.

15 29. On or about September 14, 2016, Defendant FAA acknowledged the request and  
16 assigned the request tracking number 2016-009145. See Exhibit 9 – 2016-009145  
17 Acknowledgment.  
18

19 30. Defendant assigned the request to the Office of Audit and Evaluation and the  
20 Human Resources Office within the FOIA Program Management Branch and the  
21 Air Traffic Organization. *Id.*  
22

23 31. Plaintiff alleges that the Office of Civil Rights is also likely to have responsive  
24 records.  
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1 32. Plaintiff has yet to receive any other communication from Defendant FAA  
2 regarding this request.

3  
4 33. On or about October 11, 2016, Plaintiff notified Defendant of a change of address.  
5 *See Exhibit 7 – Change of Address.*

6 34. Plaintiff incorporates the original request and all correspondence as if fully  
7 restated herein.

8  
9 35. As of the date of the Compliant, Defendants have failed to: (i) produce the  
10 requested records or determine that the requested records are lawfully exempt  
11 from production; (ii) notify Plaintiff of the scope of any responsive records  
12 Defendant intends to produce or withhold and the reasons for any withholdings; or  
13 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
14 determination.  
15

16 36. As more than twenty working days have passed since the date the request was  
17 received by the appropriate component and operating administration of the DOT,  
18 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
19 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
20 U.S.C. § 552(a)(6)(C)(i).  
21

22 37. Defendant is unable to charge search fees for this request, as it has failed to  
23 provide responsive records within the statutory time limits. 5 U.S.C. §  
24 552(a)(4)(A)(viii).  
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**2016-009149 – “FAA Academy SOPs”**

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2 38. On or about September 7, 2016, Plaintiff submitted a FOIA and PA request via  
3  
4 electronic mail seeking access to records under both the FOIA and PA concerning  
5 procedures Defendant FAA used to conduct evaluations at the FAA Academy. *See*  
6 Exhibit 10 – 2016-009149 Submission.

7  
8 39. Plaintiff submitted the above mentioned request to the appropriate component and  
9 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.

10 40. Defendant FAA’s timer to begin processing the request began on September 7<sup>th</sup>.

11 41. On or about September 11, 2016, Defendant FAA Employee Edward Drake  
12 (“Drake”) requested clarification regarding the time period subject to the request.  
13 *See* Exhibit 11 – 2016-009149 Clarification Drake Email.

14  
15 42. On or about September 11, 2016, Plaintiff replied to Drake’s request for a time  
16 period for the request. *See* Exhibit 12 – 2016-009149 Clarification Drake Reply.

17  
18 43. On or about September 14, 2016, Defendant FAA acknowledged the request and  
19 assigned the request tracking number 2016-009149. *See* Exhibit 13 – 2016-009149  
20 Acknowledgment.

21  
22 44. Defendant assigned the request to the Aeronautical Center and the Air Traffic  
23 Organization. *Id.*

24 45. On or about September 15, 2016, Plaintiff received an email from 9-AMC-FOIA-  
25 Request@faa.gov, stating, in part, that additional clarification was still needed.  
26  
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1           However, no question was presented to Plaintiff. See Exhibit 14 – 2016-009149  
2           September 15<sup>th</sup> Email.

3  
4           46. On or about September 16, 2016, Plaintiff received an email from 9-AWA-FOIA-  
5           Request@faa.gov, stating, in part, that clarification regarding the request and the  
6           maximum dollar amount willing to be paid was requested. See Exhibit 15 – 2016-  
7           009149 September 16<sup>th</sup> Email.

8  
9           47. On or about September 16, 2016, Plaintiff replied to the request for clarification  
10           regarding the request, and requested that a fee estimate be provided. See Exhibit  
11           16 – 2016-009149 September 16<sup>th</sup> Reply Email.

12  
13           48. On or about October 6, 2016, Plaintiff again received correspondence from Drake  
14           requesting that clarification regarding the request and the maximum dollar amount  
15           willing to be paid be provided. See Exhibit 17 – 2016-009149 October 6<sup>th</sup> Rutila  
16           Email.

17  
18           49. Plaintiff had already replied to Defendant's September 16<sup>th</sup> email for clarification.  
19           See Exhibit 16 – 2016-009149 September 16<sup>th</sup> Email.

20           50. Notwithstanding that Plaintiff had already replied to Defendant's clarification  
21           request, Plaintiff again replied to Defendant's clarification request, by forwarding  
22           a copy of the previous reply, as well as providing notice that a reply was  
23           previously sent. See Exhibit 18 – 2016-009149 October 6<sup>th</sup> Rutila Email. See  
24           Exhibit 19 – 2016-009149 October 6<sup>th</sup> Rutila Forward.  
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1 51. On or about October 7, 2016, Drake apologized to Plaintiff for not seeing the  
2 reply. Drake again asked for a maximum dollar amount. *See* Exhibit 20 – 2016-  
3 009149 October 7<sup>th</sup> Drake Apology Email.  
4

5 52. On or about October 7, 2016, Drake requested confirmation regarding Plaintiff's  
6 phone number, and requested that a "maximum fee threshold" be provided for all  
7 requests. *See* Exhibit 21 – 2016-009149 October 7<sup>th</sup> Drake Phone Email.  
8

9 53. On or about October 7, 2016, Drake provided Plaintiff a fee estimate in the  
10 amount of \$2,570.00. *See* Exhibit 22 – 2016-009149 October 7<sup>th</sup> Drake Fee  
11 Assessment.  
12

13 54. On or about October 7, 2016, Plaintiff replied to Drake's fee assessment and  
14 phone number verification email, stating that the agency was overdue on the  
15 request and that it may not assess search fees. *See* Exhibit 23 – 2016-009149  
16 October 7<sup>th</sup> Rutila Fee Reply.  
17

18 55. On or about October 11, 2016, Plaintiff notified Defendant of a change of address.  
19 *See* Exhibit 7 – Change of Address.  
20

21 56. On or about October 12, 2016, Plaintiff received an email from Drake, reiterating  
22 Defendant FAA's position that the request is not overdue. *See* Exhibit 24 – 2016-  
23 009149 October 12<sup>th</sup> Drake Email.  
24

25 57. On or about October 13, 2016, Plaintiff emailed Drake regarding the request,  
26 restating Plaintiff's previous position that the statute is being read incorrectly with  
27  
28

1 respect to the due date for the request. *See* Exhibit 25 – 2016-009149 October 13<sup>th</sup>  
2 Rutila Email. This email was sent after Drake left a voicemail message to Plaintiff.

3  
4 58. On or about October 13, 2016, Plaintiff received an email from Drake, stating, in  
5 part, again, that Defendant FAA is still on time. *See* Exhibit 26 – 2016-009149  
6 October 13<sup>th</sup> Drake Email.

7  
8 59. On or about October 13, 2016, Plaintiff replied to Drake's email, stating, in part,  
9 again, that parties differed on their reading of the statute. Plaintiff explained his  
10 position, again, and notified Defendant of intent to seek judicial review. *See*  
11 Exhibit 27 – 2016-009149 October 13<sup>th</sup> Rutila Email II.

12  
13 60. On or about October 13, 2016, Plaintiff received an email from Drake, stating, in  
14 part, that a fee estimate letter was provided on October 7, 2016 via certified mail.  
15 Drake also stated that "Per FOIA requirements (32 CFR 701.8 (a)(1)), since fees  
16 are applicable to your request, and we have not received, in writing, a statement  
17 regarding your willingness to pay the fees, your request will be placed in abeyance  
18 pending your good faith commitment to pay the fees necessary to process the  
19 request." *See* Exhibit 28 – 2016-009149 October 13<sup>th</sup> Drake Abeyance Email.

20  
21  
22 61. 32 CFR applies to National Defense.

23 62. FAA FOIA regulations are codified in 49 CFR.

24 63. FOIA regulations at 32 CFR do not apply to FAA.  
25  
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1 64. The tracking number provided by Drake, 7006 0100 0003 0829 9740, does not  
2 identify any record of the letter being sent on October 7<sup>th</sup>. *See* Exhibit 29 – 2016-  
3 009149 USPS Confirmation.  
4

5 65. A fee assessment sent by Defendant FAA after the due date for the request is  
6 untimely.  
7

8 66. To the extent Defendant FAA sent a fee assessment on time, Defendant FAA  
9 would not have been able to charge fees for the request once the due date for the  
10 request lapsed.

11 67. Plaintiff challenges Defendant FAA's fee assessment as being excessive and  
12 unreasonable.  
13

14 68. Plaintiff has yet to receive any other communication from Defendant FAA  
15 regarding this request.  
16

17 69. Plaintiff incorporates the original request and all correspondence as if fully  
18 restated herein.

19 70. As of the date of the Complaint, Defendants have failed to: (i) produce the  
20 requested records or determine that the requested records are lawfully exempt  
21 from production; (ii) notify Plaintiff of the scope of any responsive records  
22 Defendant intends to produce or withhold and the reasons for any withholdings; or  
23 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
24 determination.  
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1 71. As more than twenty working days have passed since the date the request was  
2 received by the appropriate component and operating administration of the DOT,  
3 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
4 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
5 U.S.C. § 552(a)(6)(C)(i).  
6

7 72. Defendant is unable to charge search fees for this request, as it has failed to  
8 provide responsive records within the statutory time limits. 5 U.S.C. §  
9 552(a)(4)(A)(viii).  
10

11 **2016-009150 – “Civil Rights SOPs”**

12 73. On or about September 7, 2016, Plaintiff submitted a FOIA and PA request via  
13 electronic mail seeking access to records under both the FOIA and PA concerning  
14 standard operating procedures used by the Office of Civil Rights. See Exhibit 30 –  
15 2016-009150 Submission.  
16

17 74. Plaintiff submitted the above mentioned request to the appropriate component and  
18 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.  
19

20 75. Defendant FAA's timer to begin processing the request began on September 7<sup>th</sup>.  
21

22 76. On or about September 14, 2016, Defendant FAA acknowledged the request and  
23 assigned the request tracking number 2016-009150. See Exhibit 31 – 2016-009150  
24 Acknowledgment.  
25

26 77. Defendant assigned the request to the Office of Audit and Evaluation. *Id.*  
27  
28

1 78. Plaintiff alleges that the Office of Civil Rights is also likely to have responsive  
2 records.

3 79. On or about October 11, 2016, Plaintiff notified Defendant of a change of address.  
4  
5 *See* Exhibit 7 – Change of Address.

6 80. Plaintiff has yet to receive any other communication from Defendant FAA  
7 regarding this request.

8 81. Plaintiff incorporates the original request and all correspondence as if fully  
9 restated herein.

10 82. As of the date of the Complaint, Defendants have failed to: (i) produce the  
11 requested records or determine that the requested records are lawfully exempt  
12 from production; (ii) notify Plaintiff of the scope of any responsive records  
13 Defendant intends to produce or withhold and the reasons for any withholdings; or  
14 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
15 determination.  
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18 83. As more than twenty working days have passed since the date the request was  
19 received by the appropriate component and operating administration of the DOT,  
20 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
21 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
22 U.S.C. § 552(a)(6)(C)(i).  
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1 84. Defendant is unable to charge search fees for this request, as it has failed to  
2 provide responsive records within the statutory time limits. 5 U.S.C. §  
3 552(a)(4)(A)(viii).  
4

5 **2016-009151 – “ADACEL Emails”**

6 85. On or about September 8, 2016, Plaintiff submitted a FOIA and PA request via  
7 electronic mail seeking access to records under both the FOIA and PA concerning  
8 emails between the FAA and ADACEL, the company which provides the  
9 simulators used by the FAA Academy. *See* Exhibit 32 – 2016-009151 Submission.

10 86. Plaintiff submitted the above mentioned request to the appropriate component and  
11 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.  
12

13 87. Defendant FAA’s timer to begin processing the request began on September 8<sup>th</sup>.  
14

15 88. On or about September 14, 2016, Defendant FAA acknowledged the request and  
16 assigned the request tracking number 2016-009151. *See* Exhibit 33 – 2016-009151  
17 Acknowledgment.  
18

19 89. Defendant assigned the request to the Air Traffic Organization. *Id.*

20 90. On or about October 11, 2016, Plaintiff notified Defendant of a change of address.  
21 *See* Exhibit 7 – Change of Address.  
22

23 91. Plaintiff has yet to receive any other communication from Defendant FAA  
24 regarding this request.  
25  
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1 92. Plaintiff incorporates the original request and all correspondence as if fully  
2 restated herein.

3  
4 93. As of the date of the Complaint, Defendants have failed to: (i) produce the  
5 requested records or determine that the requested records are lawfully exempt  
6 from production; (ii) notify Plaintiff of the scope of any responsive records  
7 Defendant intends to produce or withhold and the reasons for any withholdings; or  
8 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
9 determination.  
10

11 94. As more than twenty working days have passed since the date the request was  
12 received by the appropriate component and operating administration of the DOT,  
13 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
14 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
15 U.S.C. § 552(a)(6)(C)(i).  
16  
17

18 95. Defendant is unable to charge search fees for this request, as it has failed to  
19 provide responsive records within the statutory time limits. 5 U.S.C. §  
20 552(a)(4)(A)(viii).  
21

22 **2016-009152 – “Evaluation Schedules”**

23 96. On or about September 8, 2016, Plaintiff submitted a FOIA request via electronic  
24 mail seeking access to records under the FOIA concerning the evaluation  
25  
26  
27  
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1 schedules used by the FAA Academy for a period from August 31, 2015, to  
2 August 31, 2016. *See* Exhibit 34 – 2016-009152 Submission.

3  
4 97. Plaintiff submitted the above mentioned request to the appropriate component and  
5 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.

6 98. Defendant FAA's timer to begin processing the request began on September 8<sup>th</sup>.

7  
8 99. On or about September 14, 2016, Defendant FAA acknowledged the request and  
9 assigned the request tracking number 2016-009152. *See* Exhibit 35 – 2016-009152  
10 Acknowledgment.

11 100. Defendant assigned the request to the Air Traffic Organization. *Id.*

12  
13 101. On or about October 11, 2016, Plaintiff notified Defendant of a change of  
14 address. *See* Exhibit 7 – Change of Address.

15 102. Plaintiff has yet to receive any other communication from Defendant FAA  
16 regarding this request.

17  
18 103. Plaintiff incorporates the original request and all correspondence as if fully  
19 restated herein.

20 104. As of the date of the Complaint, Defendants have failed to: (i) produce the  
21 requested records or determine that the requested records are lawfully exempt  
22 from production; (ii) notify Plaintiff of the scope of any responsive records  
23 Defendant intends to produce or withhold and the reasons for any withholdings; or  
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1 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
2 determination.

3  
4 105. As more than twenty working days have passed since the date the request  
5 was received by the appropriate component and operating administration of the  
6 DOT, Defendants have therefore constructively denied Plaintiff's request. Plaintiff  
7 is therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
8 U.S.C. § 552(a)(6)(C)(i).

9  
10 106. Defendant is unable to charge search fees for this request, as it has failed to  
11 provide responsive records within the statutory time limits. 5 U.S.C. §  
12 552(a)(4)(A)(viii).

13  
14 **2016-009192 – "Evaluation Logs"**

15 107. On or about September 9, 2016, Plaintiff submitted a FOIA and PA request  
16 via electronic mail seeking access to records under both the FOIA and PA  
17 concerning Plaintiff, including textual logs and voice recordings of an evaluation  
18 conducted concerning Plaintiff and Andrew Koski. See Exhibit 36 – 2016-009192  
19 Submission.

20  
21  
22 108. Plaintiff submitted the above mentioned request to the appropriate  
23 component and operating administration of the DOT, the FAA, pursuant to 49  
24 CFR Part 7.

1 109. Defendant FAA's timer to begin processing the request began on  
2 September 9<sup>th</sup>.

3  
4 110. On or about September 15, 2016, Defendant FAA acknowledged the  
5 request and assigned the request tracking number 2016-009143. *See* Exhibit 37 –  
6 2016-009192 Acknowledgment.

7 111. Defendant assigned the request to the Air Traffic Organization. *Id.*

8  
9 112. On or about September 22, 2016, Plaintiff received correspondence via  
10 electronic message from Defendant's employee Edward Drake stating, in part, that  
11 he would be the point of contact for the request. *See* Exhibit 38 – 2016-009192  
12 Drake Correspondence.

13  
14 113. On or about September 24, 2016, Plaintiff replied to Defendant's  
15 September 22, 2016 email, and acknowledged receipt. *See* Exhibit 39 – 2016-  
16 009192 Drake Reply.

17  
18 114. On or about October 11, 2016, Plaintiff notified Defendant of a change of  
19 address. *See* Exhibit 7 – Change of Address.

20 115. Plaintiff has yet to receive any other communication from Defendant FAA  
21 regarding this request.

22  
23 116. Plaintiff incorporates the original request and all correspondence as if fully  
24 restated herein.

1 117. As of the date of the Compliant, Defendants have failed to: (i) produce the  
2 requested records or determine that the requested records are lawfully exempt  
3 from production; (ii) notify Plaintiff of the scope of any responsive records  
4 Defendant intends to produce or withhold and the reasons for any withholdings; or  
5 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
6 determination.  
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8  
9 118. As more than twenty working days have passed since the date the request  
10 was received by the appropriate component and operating administration of the  
11 DOT, Defendants have therefore constructively denied Plaintiff's request. Plaintiff  
12 is therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
13 U.S.C. § 552(a)(6)(C)(i).  
14

15 119. Defendant is unable to charge search fees for this request, as it has failed to  
16 provide responsive records within the statutory time limits. 5 U.S.C. §  
17 552(a)(4)(A)(viii).  
18

19 **Count I: Violation of FOIA: Failure to Comply With Statutory Deadlines**

20 120. Plaintiff fully restates and incorporates by reference all previous paragraphs  
21 as if fully restated here.  
22

23 121. Defendants are violating FOIA by failing to search for and provide all  
24 records responsive to Plaintiff's requests or demonstrate that the requested records  
25 are lawfully exempt from production.  
26  
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1 122. Plaintiff is being irreparably harmed by reason of Defendant's violation of  
2 FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is  
3 compelled to comply with FOIA.  
4

5 123. To trigger FOIA's administrative exhaustion requirement, Defendants were  
6 required to determine whether to comply with Plaintiff's request within twenty  
7 working days of receiving the request, which is the same date as the initial  
8 submission, as the request was submitted to the appropriate component and  
9 operating administration of the DOT, the FAA.  
10

11 124. Plaintiff seeks that this Court order Defendant to provide responsive  
12 records and complete an adequate search.  
13

14 125. Plaintiff is entitled to injunctive relief compelling the release and  
15 disclosure of the requested agency records.  
16

17 **REQUESTED RELIEF**

18 WHEREFORE, plaintiff prays this Court:

19 (1) order Defendant to conduct a search for any and all responsive records to  
20 Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably  
21 likely to lead to the discovery of records responsive to Plaintiff's FOIA requests;  
22

23 (2) order Defendant to produce, any and all claimed nonexempt records to Plaintiff's  
24 FOIA requests and a Vaughn index of any responsive records withheld under claim of  
25 exemption;  
26  
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28

1 (3) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably  
2 incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E);

3  
4 (4) Expedite this proceeding as provided for in 28 U.S.C. § 1657;

5 (5) Refer the inappropriate handling of FOIA requests for investigation, under the  
6 authority of 5 U.S.C. § 552(a)(4)(F);

7 (6) Declare the agency's actions to be arbitrary, capricious, and an abuse of discretion

8  
9 (7) Grant such other and further relief as may deem just and proper.

10  
11 Respectfully submitted,

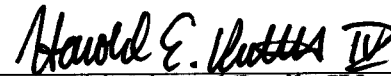
12 Harold Edward Rutila IV

13 2255 Arkansas Lane

14 #258

15  
16 Grand Prairie, TX 75052

17 DATED: OCTOBER 17, 2016

18  
19 

20 Harold Edward Rutila IV  
21 In Pro Se



Harold R &lt;h.rutila@gmail.com&gt;

---

## Freedom of Information Act Request

---

Harold R &lt;h.rutila@gmail.com&gt;

Wed, Sep 7, 2016 at 3:52 PM

To: 7-awa-arc-foia@faa.gov, melanie.yohe@faa.gov, terry.julian@faa.gov

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Emails and chat messages, including attachments, including Proofpoint records, concerning me (keywords should include "Harold" and/or "Rutila" and/or "purdueexponent") from January 1, 2016 through present sent or received from the following individuals:

1. Rick Mitchell (Director of Placement, FAA Academy)
2. Kenneth MacNeill (AMA-505b)
3. Thomas Anderson (AMA-505b)
4. James Goelz (AJG-R43)
5. Sherry Reese (Academy Superintendent)

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV







Harold R &lt;h.rutila@gmail.com&gt;

---

**Freedom of Information Act Request**

---

**Terry.Julian@faa.gov** <Terry.Julian@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 7, 2016 at 4:10 PM

Mr Rutila, I am no longer the FOIA coordinator. In the future please go to the FOIA website to submit your request versus sending them to me. Thanks.

Terry Julian

Business Excellence Lead Auditor/

ARC Web Council Liaison

AMC-3

(405) 954-9469

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:53 PM  
**To:** 7-AWA-ARC-FOIA (FAA); Yohe, Melanie (FAA); Julian, Terry (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Emails and chat messages, including attachments, including Proofpoint records, concerning me (keywords should include "Harold" and/or "Rutila" and/or "purdueexponent") from January 1, 2016 through present sent or received from the following individuals:

1. Rick Mitchell (Director of Placement, FAA Academy)
2. Kenneth MacNeill (AMA-505b)
3. Thomas Anderson (AMA-505b)
4. James Goelz (AJG-R43)
5. Sherry Reese (Academy Superintendent)

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

**EXHIBIT 2****Page 2**



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009143

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 7, 2016, concerning Emails and chat messages, including attachments, including Proofpoint records, concerning me (keywords should include "Harold" and/or "Rutila" and/or "purdueexponent") from January 1, 2016 through present sent or received from the listed individuals.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Aeronautical Center (AMC-003)  
6500 S. MacArthur  
Oklahoma City, OK 73125

Contact: Edward Drake  
FOIA Coordinator  
(405) 954-7327

Federal Aviation Administration  
Air Traffic Organization (AJI-172)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Melanie Yohe  
FOIA Coordinator  
(202) 267-1698

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist



Harold R &lt;h.rutila@gmail.com&gt;

---

**Freedom of Information Act Request**

---

7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 14, 2016 at 8:52 AM

Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 3:53 PM  
**To:** 7-AWA-ARC-FOIA (FAA); Yohe, Melanie (FAA); Julian, Terry (FAA)  
**Subject:** Freedom of Information Act Request


Good afternoon,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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 **Ack Letter 2016-009143\_Rutila.pdf**  
116K



Harold R <h.rutila@gmail.com>

**FOIA 2016-009143**

Dean.Torgerson@faa.gov <Dean.Torgerson@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 21, 2016 at 8:00 AM

Mr. Rutila,

This is in response to your September 7 Freedom of Information Act (FOIA) request, 2016-009143, which sought email and chat messages to or from Rick Mitchell, Kenneth MacNeill, Thomas Anderson, James Goelz, and Sherry Reese that include the keywords of "Harold" and/or "Rutila" and/or "purdueexponent."

We have estimated the charges for search and duplication for the requested records to be \$184.00. This estimate is based on the following:

3 hours of search	x \$60.00	=	\$ 180.00
Duplication (2 CDs)	x \$2.00 per CD	=	<u>\$ 4.00</u>
TOTAL			\$ 184.00

If you are not willing to pay the estimated fee, please confirm in writing within 20 days that your original request is being withdrawn, or contact me for assistance in reformulating your request to avoid some of these estimated charges. If you do not contact us within the next 20 business days, we will consider this request withdrawn. Please be advised that while your request was assigned to the FAA Academy and the Air Traffic Organization, this email is a combined fee estimate on behalf of both offices.

Dean Torgerson  
Manager  
ATO FOIA Program  
202-267-3407



Harold R <h.rutila@gmail.com>

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**FOIA 2016-009143**

---

Harold R <h.rutila@gmail.com>  
To: Dean.Torgerson@faa.gov

Wed, Sep 21, 2016 at 12:33 PM

Mr. Torgerson,

Thank you for the information. I accept your provided estimate of \$184. Please send me the web ID for payment, and I will promptly submit it.

Sincerely,  
Harold Rutila

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA 2016-009143**

---

**Dean.Torgerson@faa.gov** <Dean.Torgerson@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 21, 2016 at 2:46 PM

Mr. Rutila,

You are not required to make that payment now. The purpose of my previous email was to seek your concurrence with the fee estimate and since that has been provided, the agency will proceed with processing your request. Any fees owed will be documented on an invoice that will be enclosed with the agency's response.

Dean Torgerson

Manager

ATO FOIA Program

202-267-3407

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 21, 2016 12:34 PM  
**To:** Torgerson, Dean (FAA)  
**Subject:** Re: FOIA 2016-009143

[Quoted text hidden]



Harold R <h.rutila@gmail.com>

---

**FOIA 2016-009143**

---

Harold R <h.rutila@gmail.com>  
To: Dean.Torgerson@faa.gov

Wed, Sep 21, 2016 at 3:43 PM

Mr. Torgerson,

Ok, thank you for the information.

Sincerely,  
Harold Rutila

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

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## Change of Address Notification

---

**Harold R** <h.rutila@gmail.com>

Tue, Oct 11, 2016 at 11:32 PM

To: 7-awa-arc-foia@faa.gov

Cc: 9-awa-arc-foia@faa.gov, melanie.yohe@faa.gov, edward.drake@faa.gov, adetola.sanusi@faa.gov, beth.mathison@faa.gov

Good morning,

This email concerns my mailing address change. I am the requestor on the following FOIA requests:

2016-009143  
2016-009145  
2016-009149  
2016-009150  
2016-009151  
2016-009152  
2016-009192

My new mailing address is:

2255 Arkansas Lane  
#258  
Grand Prairie, TX 75052

Please use this address for all responses and future communications if they cannot be provided via email.

Sincerely,  
Harold Rutila





Harold R &lt;h.rutila@gmail.com&gt;

---

## Freedom of Information Act Request

---

Harold R &lt;h.rutila@gmail.com&gt;

Wed, Sep 7, 2016 at 3:55 PM

To: 7-awa-arc-foia@faa.gov, Adeltola.sanusi@faa.gov, beth.mathison@faa.gov

Bcc: Jorge Rojas &lt;rojas.jorge96@gmail.com&gt;

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Records concerning Madeleine Bostic's EEO informal complaint, including any communications between Bostic and the FAA EEO office, as well as communications between the EEO office and the responsible management official for the Bostic EEO case. The request includes information regarding Alternative Dispute Resolution (ADR) procedures used, including any communications regarding said ADR and consent to use ADR. This request includes all case files, including information regarding the final disposition of the case, including any settlement agreements, personnel actions, etc.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

You are reminded of your duty to segregate exempt from non-exempt material. In the event of a b(6) claim, this request is being made to ensure the fairness of the EEO process including the remedies provided. Public interest outweighs any potential privacy interest because responsive records will identify if FAA is applying a consistent procedure with regards to the handling of EEO cases across the spectrum of academy failures. I reserve the right to modify or add to this argument on appeal, or litigation.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009145

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 7, 2016, concerning Madeleine Bostic's EEO informal complaint, including any communications between Bostic and the FAA EEO office, as well as communications between the EEO office and the responsible management official for the Bostic EEO case etc...

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
FOIA Program Management Branch (AAE-1)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Adetola Sanusi  
FOIA Coordinator  
(202) 267-8087

Federal Aviation Administration  
FOIA Program Management Branch (ANM-10)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Beth F. Mathison  
FOIA Divisional Coordinator  
(425) 227-2070

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist



Harold R &lt;h.rutila@gmail.com&gt;

---

**Freedom of Information Act Request**

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7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 14, 2016 at 9:06 AM

Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office


**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 3:55 PM  
**To:** 7-AWA-ARC-FOIA (FAA); Adeltola.sanusi@faa.gov; Mathison, Beth (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

[Quoted text hidden]

[Quoted text hidden]

---

 **Ack Letter 2016-009145\_Rutila.pdf**  
116K



Harold R &lt;h.rutila@gmail.com&gt;

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## Freedom of Information Act Request

---

Harold R &lt;h.rutila@gmail.com&gt;

Wed, Sep 7, 2016 at 3:57 PM

To: Melanie.Yohe@faa.gov, Terry.Julian@faa.gov, 7-awa-arc-foia@faa.gov

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV



Harold R &lt;h.rutilla@gmail.com&gt;

---

**RE: Freedom of Information Act Request - Rutila**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutilla@gmail.com

Sun, Sep 11, 2016 at 12:19 PM

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutilla@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

**EXHIBIT 11****Page 15**

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV



Harold R &lt;h.rutilla@gmail.com&gt;

---

**RE: Freedom of Information Act Request - Rutila**

---

Harold R <h.rutilla@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Sun, Sep 11, 2016 at 5:45 PM

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila  
[Quoted text hidden]



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009149

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 7, 2016, concerning FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Aeronautical Center (AMC-003)  
6500 S. MacArthur  
Oklahoma City, OK 73125

Contact: Terry A. Julian  
FOIA Coordinator  
(405) 954-9469

Federal Aviation Administration  
Air Traffic Organization (AJI-172)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Melanie Yohe  
FOIA Coordinator  
(202) 267-1698

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist







Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - Rutila**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Thu, Sep 15, 2016 at 1:25 PM

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Fri, Sep 16, 2016 at 4:21 PM

Mr. Rutila:

CORRECTION- I mistakenly put the wrong FOIA Req# in the subject line. It should be 2016-00**9149** for your SOP Request. 2016-009143 is another request you have pending.

I corrected the subject line in this thread. I apologize for any confusion.

Let me know if you have questions.

Thank you,

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:10 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009143

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

**EXHIBIT 15****Page 21**

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**EXHIBIT 15**

**Page 22**

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009143**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Fri, Sep 16, 2016 at 4:10 PM

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance. **Page 25**

**EXHIBIT 15**

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV





Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Fri, Sep 16, 2016 at 5:18 PM

Dear Mr. Drake:

No worries. Regarding FOIA #2016-009149, to provide further clarity, I am seeking any document containing methods, guidance, or procedures for employees or contractors of AMA-505b related to conducting and/or grading evaluations, and emails concerning the application of or guidance related to the said methods, guidance, or procedures.

The maximum dollar amount I am willing to pay is \$25. Please send a fee estimate, and if the estimated search fees will exceed \$25, I may amend this maximum dollar amount.

Sincerely,  
Harold Rutila  
[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Thu, Oct 6, 2016 at 5:37 PM

Dear Mr. Rutila,

Can you please confirm the following information:

Based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc. Is this correct?

Can you please confirm this information AND the maximum dollar amount you are willing to pay, As this search may be somewhat extensive.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 9:37 PM  
**To:** Drake, Edward (FAA)  
**Subject:** RE: Freedom of Information Act Request - 2016-009149

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:21 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009149

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Thu, Oct 6, 2016 at 7:53 PM

Dear Mr. Drake:

I responded to this request seeking clarification on the documents requested and the maximum fees I am willing to pay on 9/16/2016 at 5:18 PM Eastern. I will forward you that reply, which contains my response to the questions posed today.

Thank you for your assistance.

Sincerely,  
Harold Rutila  
[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

**Harold R** <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Thu, Oct 6, 2016 at 7:55 PM

----- Forwarded message -----

From: **Harold R** <h.rutila@gmail.com>  
Date: Fri, Sep 16, 2016 at 5:18 PM  
Subject: Re: Freedom of Information Act Request - 2016-009149  
To: 9-AMC-FOIA-Request@faa.gov

Dear Mr. Drake:

No worries. Regarding FOIA #2016-009149, to provide further clarity, I am seeking any document containing methods, guidance, or procedures for employees or contractors of AMA-505b related to conducting and/or grading evaluations, and emails concerning the application of or guidance related to the said methods, guidance, or procedures.

The maximum dollar amount I am willing to pay is \$25. Please send a fee estimate, and if the estimated search fees will exceed \$25, I may amend this maximum dollar amount.

Sincerely,  
Harold Rutila

On Fri, Sep 16, 2016 at 4:21 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Mr. Rutila:

CORRECTION- I mistakenly put the wrong FOIA Req# in the subject line. It should be 2016-00**9149** for your SOP Request. 2016-009143 is another request you have pending.

I corrected the subject line in this thread. I apologize for any confusion.

Let me know if you have questions.

Thank you,

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:10 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009143

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

**EXHIBIT 19****Page 30**

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV





Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Fri, Oct 7, 2016 at 12:24 PM

Dear Mr. Rutila:

My sincere apologies for missing the below response in my inbox, and thank you for the scope clarification. The responding organization has the scope information. Now we can work on the fee concurrence piece of this request.

I have the Respondents expediting a Fee Estimate for you; however, ATO (records owner) will likely not have it today, but I will follow up with them in a timely manner. As a heads-up, I can tell you that the estimate (I am guessing) will be at least \$1500.00 due to search time. Can you provide me your maximum dollar amount? Also, you can consider narrowing the scope of your request to reduce the fees.

I also noticed that you have several other requests pending and although I am not the records owner/Respondent, please know that I am working to ensure these are processed and coordinated for you. I also noticed that I do not have a phone number on file. If you are willing to provide me a phone number, sometimes that can help with and speed up clarification issues. Then I will document any discussions in writing for your records.

Thank you again for your quick responses, and please contact me any time if you have questions, concerns, or would like status on your request.

Sincerely,

Edward Drake

405-954-7327

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Friday, September 16, 2016 9:18 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - 2016-009149

Dear Mr. Drake:

No worries. Regarding FOIA #2016-009149, to provide further clarity, I am seeking any document containing methods, guidance, or procedures for employees or contractors of AMA-505b related to conducting and/or grading evaluations, and emails concerning the application of or guidance related to the said methods, guidance, or procedures.



The maximum dollar amount I am willing to pay is \$25. Please send a fee estimate, and if the estimated search fees will exceed \$25, I may amend this maximum dollar amount.

Sincerely,  
Harold Rutila

On Fri, Sep 16, 2016 at 4:21 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Mr. Rutila:

CORRECTION- I mistakenly put the wrong FOIA Req# in the subject line. It should be 2016-00**9149** for your SOP Request. 2016-009143 is another request you have pending.

I corrected the subject line in this thread. I apologize for any confusion.

Let me know if you have questions.

Thank you,

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:10 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009143

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Fri, Oct 7, 2016 at 1:26 PM

Mr. Rutila:

I located the following phone number for you:

(810) 845-3497

Can you confirm for me please.

Also, in the future, please try to include a maximum fee threshold on all your requests. This is one area that can save us time.

Thank you- Ed

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, October 07, 2016 4:24 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009149

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

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**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Fri, Oct 7, 2016 at 5:04 PM

Dear Mr. Rutila:

Please see the attached Fee Estimate Letter and provide your response to the fees.

Thank you,

Edward Drake

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, October 07, 2016 5:26 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009149

Mr. Rutila:

I located the following phone number for you:

(810) 845-3497

Can you confirm for me please.

Also, in the future, please try to include a maximum fee threshold on all your requests. This is one area that can save us time.

Thank you- Ed

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, October 07, 2016 4:24 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009149

Dear Mr. Rutila:

My sincere apologies for missing the below response in my inbox, and thank you for the scope clarification. The responding organization has the scope information. Now we can work on the fee concurrence piece of this request.

I have the Respondents expediting a Fee Estimate for you; however, ATO (records owner) will likely not have it today, but I will follow up with them in a timely manner. As a heads-up, I can tell you that the estimate (I am guessing) will be at least \$1500.00 due to search time. Can you provide me your maximum dollar amount? Also, you can consider narrowing the scope of your request to reduce the fees.

I also noticed that you have several other requests pending and although I am not the records owner/Respondent, please know that I am working to ensure these are processed and coordinated for you. I also noticed that I do not have a phone number on file. If you are willing to provide me a phone number, sometimes that can help with and speed up clarification issues. Then I will document any discussions in writing for your records.

Thank you again for your quick responses, and please contact me any time if you have questions, concerns, or would like status on your request.

Sincerely,

Edward Drake

405-954-7327

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Friday, September 16, 2016 9:18 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - 2016-009149

Dear Mr. Drake:

No worries. Regarding FOIA #2016-009149, to provide further clarity, I am seeking any document containing methods, guidance, or procedures for employees or contractors of AMA-505b related to conducting and/or grading evaluations, and emails concerning the application of or guidance related to the said methods, guidance, or procedures.

The maximum dollar amount I am willing to pay is \$25. Please send a fee estimate, and if the estimated search fees will exceed \$25, I may amend this maximum dollar amount.

Sincerely,  
Harold Rutila

On Fri, Sep 16, 2016 at 4:21 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Mr. Rutila:

CORRECTION- I mistakenly put the wrong FOIA Req# in the subject line. It should be 2016-00**9149** for your SOP Request. 2016-009143 is another request you have pending.

I corrected the subject line in this thread. I apologize for any confusion.

Thank you,

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:10 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009143

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

EXHIBIT 22

Page 41

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,  
Harold Rutila

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutilla@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance

**EXHIBIT 22**

**Page 42**



I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

Fenton, MI 48430-9764

Sincerely,

Harold E. Rutila IV

---

 Fee Estimate Letter\_2016-009149.pdf  
61K

**Fee Estimate Letter**

Harold E. Rutila IV  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Dear Mr. Rutila:

Re: Freedom of Information Act (FOIA) request 2016-009149

This letter is an initial response to your September 7, 2016 Freedom of Information Act (FOIA) request, seeking FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance, including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

We have estimated the charges for search, review and/or duplication for the requested records to be \$2570.00. This estimate is based on the following:

30 hours of search*	x \$85.00	=	\$2550.00
200 duplication of pages*	x 10 cents per page	=	\$20.00
	<b>TOTAL</b>		<b><u>\$2570.00</u></b>

If you are not willing to pay the estimated fee, please confirm in writing within 20 days of receipt of this letter that your original request is being withdrawn, or contact the undersigned by calling 405-954-7327 for assistance in reformulating your request to avoid some of these estimated charges. If we have not received a letter or phone call from you within 20 business days from the date of the return receipt of this letter, we will consider this request withdrawn.

Sincerely,

Edward Drake  
FOIA Coordinator  
405-954-7327



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Fri, Oct 7, 2016 at 10:19 PM

Dear Mr. Drake,

After review of the fee estimate, it is my contention that the FAA is unable to assess fees for this request, as it is already overdue. I would like to ask that this request be processed with a waiver of fees. If your office does not concur, I will need to seek judicial review of this matter, although it would be my preference to resolve it at this level.

The phone number (810) 845-3497 is correct. Please feel free to leave voicemails on that number if I do not answer.

Thank you for your continued work on this and my other requests

Sincerely,  
Harold Rutila  
[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Wed, Oct 12, 2016 at 3:29 PM

Dear Mr. Rutila,

This request is not yet overdue. Your initial request was submitted the afternoon of September 7, 2016. It was assigned to the responding organization (FAA Academy) on September 14, 2016 (this is when the clock officially starts). So, the original due date is 17 OCT; however, this request has been on-hold for scope clarification and fee concurrence. What this means to us is that the clock is stopped until fee concurrence and scope clarification is confirmed. I feel we have the scope lined out, but not the fee concurrence. Once I have your concurrence on the fees, I will restart the clock and process your request. If you do not wish to incur the fees, please advise and I will close the request.

Please let me know if you have questions or concerns and I'll try my best to assist you (you can use the contact information below, if needed).

Sincerely,

Edward Drake

405-954-7327

Edward.drake@faa.gov

---

**From:** Harold R [h.rutila@gmail.com]**Sent:** Saturday, October 08, 2016 2:19 AM**To:** 9-AMC-FOIA-Request (FAA)**Subject:** Re: Fee Estimate - Freedom of Information Act Request - 2016-009149

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Thu, Oct 13, 2016 at 11:03 AM

Dear Mr. Drake:

The statutes relating to this FOIA request make reference to the date upon which the appropriate component of the U.S. Department of Transportation -- ie. the FAA -- received a FOIA request, not the date the request was assigned.

I provided replies to scope clarification and maximum fee threshold requests on the same day they were sent. There could have been no toll for "issues regarding fee assessment," to quote the statute, because fees had not been proposed or provided until after the request was already due.

I understand we may have a misunderstanding about the date this request was due. Unless you are able to process this request with a waiver of fees, I will have to seek a judicial review.

Sincerely,  
Harold Rutila  
[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Thu, Oct 13, 2016 at 3:22 PM

Mr. Rutila,

You are correct that the statute states that the clock does not begin until the "appropriate component" receives the request and in this case the appropriate component is the FAA Academy, who received the request on September 14, 2016 (5 business days after your submission).

I do have an email with your scope clarification, but I do not see a response to the fee concurrence. Can you please provide me the maximum dollar amount you are willing to pay or the email where you provided the fee information. Again, the Fee Letter was not sent after the request was already due, as the original due date is October 17, which has not arrived yet. Keep in mind, if you did respond in the past, I can still calculate the new due date based on the date the communication was sent. So, if you could please provide me your maximum dollar amount, and we will move to process your request.

Please know that I am not trying to make things difficult for you in any way. I am only trying to help get your request processed without you being blind-sided with fees you are not prepared to incur. I am also trying to help you understand how the due dates work, so that you do not expend resources unnecessarily.

I hope you understand my position and know that I am trying to help process your request, but keep in mind that failure to provide me your concurrence will leave me to close your request, and I did not want that to happen without your acknowledgment.

Again, feel free to call me if needed.

Sincerely,

Edward Drake  
405-954-7327

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Thursday, October 13, 2016 3:03 PM  
**To:** 9-AMC-FOIA-Request (FAA)

[Quoted text hidden]

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Thu, Oct 13, 2016 at 4:06 PM

Mr. Drake,

We differ on our way of reading the statute. My interpretation and reading is that the FAA's clock started when the FAA received the request. The DOT regs define the DOT as the agency and the operating administrations within the DOT, such as the FAA, as the components.

I hope to resolve this administratively, but it seems like the FAA is not willing to adopt this interpretation. Therefore, since I believe that there is a genuine dispute of reading the statute, a suit will have to be filed, unless the FAA agrees by Friday to process this request with a waiver of fees.

I do not believe the explanation provided is in line with the FOIA statute, which is why I'm suggesting it be brought before a third party outside the FAA to decide. It is nothing personal.

Sincerely,  
Harold Rutila

[Quoted text hidden]



Harold R <h.rutila@gmail.com>

**RE: Fee Estimate - Freedom of Information Act Request - 2016-009149**

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com  
Cc: 9-AMC-FOIA-Request@faa.gov

Thu, Oct 13, 2016 at 6:56 PM



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of Finance and Management

Mike Monroney Aeronautical Center

FAA Academy

P.O. Box 25082

Oklahoma City, OK 73125

Mr. Harold E. Rutila IV  
2255 Arkansas Lane, #258  
Grand Prairie, TX 75052

Re: Freedom of Information Act (FOIA) Request 2016-009149

Dear Mr. Rutila:

This correspondence is in regards to your Freedom of Information Act (FOIA) request submitted on September 7, 2016 at 2:57 pm CST (i.e., FOIA request# 2016-009149). After establishing communication clarifying the scope of the FOIA request, a Fee Estimate was developed for this request.

On September 16, 2016, we received from you, via email communication, advisement to notify you if processing fees exceed twenty-five dollars. The responding organization to your request created a Fee Estimate and the estimated fees exceeded your maximum dollar threshold. Per FOIA guidelines, in order to continue processing your request, it is required that we obtain a concurrence from you in writing with respect to the fees associated with this request. A Fee Estimate Letter was emailed to you on October 7, 2016 and a copy of said letter was sent Certified Mail (mail tracking# 7006 0100 0003 0829 9740) on October 11, 2016.

Per FOIA requirements (32 CFR 701.8 (a)(1)), since fees are applicable to your request, and we have not received, in writing, a statement regarding your willingness to pay the fees, your request will be placed in abeyance pending your good faith commitment to

**EXHIBIT 28**

**Page 50**



Should you consider this response a denial of your request, you may request reconsideration of this determination by writing the Assistant Administrator for Finance and Management (AFN-140), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591 or through electronic mail at: FOIA-Appeals@faa.gov. Your request for reconsideration must be made in writing within 90 days from the date of this letter and must include all information and arguments relied upon. Your appeal must also state that it is an "appeal" from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA Appeal."

You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone (202-267-7799) or email (7-AWA-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject or the Office of Government Information Services (<https://ogis.archives.gov>) via phone (202-741-5770 / toll-free--1-877-684-6448; fax--202-741-5769); or email ([ogis@nara.gov](mailto:ogis@nara.gov)).

Sincerely,

Edward Drake

AMC FOIA Coordinator

405-954-7327

[Edward.drake@faa.gov](mailto:Edward.drake@faa.gov)

## Edward E Drake

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

[edward.drake@faa.gov](mailto:edward.drake@faa.gov)

---

**From:** 9-AMC-FOIA-Request (FAA)

**Sent:** Thursday, October 13, 2016 2:23 PM

**To:** Harold R

**Subject:** RE: Fee Estimate - Freedom of Information Act Request - 2016-009149

[Quoted text hidden]

----- Forwarded message -----

From: <9-AMC-FOIA-Request@faa.gov>

EXHIBIT 28

Page 51

To: <h.rutila@gmail.com>

Cc:

Date: Fri, 7 Oct 2016 21:04:50 +0000

Subject: RE: Fee Estimate - Freedom of Information Act Request - 2016-009149

Dear Mr. Rutila:

Please see the attached Fee Estimate Letter and provide your response to the fees.

Thank you,

Edward Drake

---

**From:** 9-AMC-FOIA-Request (FAA)

**Sent:** Friday, October 07, 2016 5:26 PM

**To:** Harold R

**Subject:** RE: Freedom of Information Act Request - 2016-009149

Mr. Rutila:

I located the following phone number for you:

(810) 845-3497

Can you confirm for me please.

Also, in the future, please try to include a maximum fee threshold on all your requests. This is one area that can save us time.

Thank you- Ed

---

**From:** 9-AMC-FOIA-Request (FAA)

**Sent:** Friday, October 07, 2016 4:24 PM

**To:** Harold R

**Subject:** RE: Freedom of Information Act Request - 2016-009149

Dear Mr. Rutila:

My sincere apologies for missing the below response in my inbox, and thank you for the scope clarification. The responding organization has the scope information. Now we can work on the fee concurrence piece of this request.

I have the Respondents expediting a Fee Estimate for you; however, ATO (records owner) will likely not have it today, but I will follow up with them in a timely manner. As a heads-up, I can tell you that the estimate (I am guessing) will be at least \$1500.00 due to search time. Can you provide me your maximum dollar amount? Also, you can consider narrowing the scope of your request to reduce the fees.

I also noticed that you have several other requests pending and although I am not the records owner/Respondent, please know that I am working to ensure these are processed and coordinated for you. I also noticed that I do not have a phone number on file. If you are willing to provide me a phone number, sometimes that can help with and speed up clarification issues. Then I will document any discussions in writing for your records.

Thank you again for your quick responses, and please contact me any time if you have questions, concerns, or would like status on your request.

Sincerely,

Edward Drake

405-954-7327

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Friday, September 16, 2016 9:18 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - 2016-009149

Dear Mr. Drake:

No worries. Regarding FOIA #2016-009149, to provide further clarity, I am seeking any document containing methods, guidance, or procedures for employees or contractors of AMA-505b related to conducting and/or grading evaluations, and emails concerning the application of or guidance related to the said methods, guidance, or procedures.

The maximum dollar amount I am willing to pay is \$25. Please send a fee estimate, and if the estimated search fees will exceed \$25, I may amend this maximum dollar amount.

Sincerely,  
Harold Rutila

On Fri, Sep 16, 2016 at 4:21 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Mr. Rutila:

CORRECTION- I mistakenly put the wrong FOIA Req# in the subject line. It should be 2016-00**9149** for your SOP Request. 2016-009143 is another request you have pending.

I corrected the subject line in this thread. I apologize for any confusion.

Let me know if you have questions.

Thank you,

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Friday, September 16, 2016 8:10 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - 2016-009143

Mr. Rutila,

I just spoke with the Responding organization about the SOP's and, based on what we perceive, you are looking for the SOP's for evaluation procedures/methods/guidance/etc.

Can you please confirm this information AND the maximum dollar amount you are willing to pay. This search may be somewhat extensive.

Please advise.

Thank you,

Edward Drake  
405-954-7327

---

**From:** 9-AMC-FOIA-Request (FAA)  
**Sent:** Thursday, September 15, 2016 5:25 PM  
**To:** Harold R  
**Subject:** RE: Freedom of Information Act Request - Rutila

Mr. Rutila,

There is still clarification needed from the records holder. I am trying to gather that information and will send to you as soon as possible (hopefully today).

Please stand by.

---

**From:** Harold R [h.rutila@gmail.com]  
**Sent:** Sunday, September 11, 2016 9:45 PM  
**To:** 9-AMC-FOIA-Request (FAA)  
**Subject:** Re: Freedom of Information Act Request - Rutila

Dear Mr. Drake,

This email is a reply to your request for clarification included below. In terms of SOPs concerning evaluation procedures/methods/guidance/etc., I am seeking a copy of the most current version(s) plus relevant notices and supplements, if any exist, as well as the version(s) used prior to the current one, plus its notices and supplements.

In terms of the time frame for emails requested, a period of 12 months beginning on September 7th, 2015 is acceptable.

Thank you for your email, and please let me know if you have any further questions.

Sincerely,

EXHIBIT 28

Page 54

On Sun, Sep 11, 2016 at 12:19 PM, <9-AMC-FOIA-Request@faa.gov> wrote:

Dear Mr. Rutila:

Concerning your FOIA Request below, our FOIA respondent group is needing clarification on the time frame you are seeking regarding the requested SOP's, i.e., what month(s) and year(s)?

We would prefer a response within 5 business days to avoid additional delays. This request will not be processed until clarification is confirmed.

Please let me know if you have questions.

Sincerely,

**Edward Drake**

FOIA Program Coordinator

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 2:57 PM  
**To:** 7-AWA-ARC-FOIA (FAA)  
**Subject:** Freedom of Information Act Request

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

FAA Academy Quality Assurance (AMA-505b) SOPs concerning evaluation procedures/methods/guidance/etc., including emails concerning said guidance or modifications and interpretations to or regarding the guidance.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:

12498 Woodhull Lndg

**EXHIBIT 28**

**Page 55**

Sincerely,

Harold E. Rutila IV

---

**2 attachments**

 **Fee Estimate Letter\_2016-009149.pdf**  
61K

 **noname.eml**  
108K

ALERT: The Postal Service is monitoring the progress of Hurricane Matthew. Check for updates on which service areas may be affected. Read More >



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**Tracking Number: 70060100000308299740**

## Product & Tracking Information

Postal Product:

Features:

Certified Mail™

## Available Actions

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[Email Updates](#)

DATE & TIME

STATUS OF ITEM

LOCATION

October 13, 2016 , 10:07 pm

Departed USPS Facility

**NORTH TEXAS  
PROCESSING AND  
DISTRIBUTION CENTER**

Your item departed our USPS facility in NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER on October 13, 2016 at 10:07 pm. The item is currently in transit to the destination.

October 13, 2016 , 9:24 am

Arrived at USPS Facility

**NORTH TEXAS  
PROCESSING AND  
DISTRIBUTION CENTER**

## Track Another Package

Tracking (or receipt) number

[Track It](#)

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[FOIA](#)

[No FEAR Act EEO Data](#)



Harold R &lt;h.rutila@gmail.com&gt;

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## Freedom of Information Act Request

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Harold R &lt;h.rutila@gmail.com&gt;

Wed, Sep 7, 2016 at 3:58 PM

To: 7-awa-arc-foia@faa.gov, Adeltola.sanusi@faa.gov

Good afternoon:

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

All SOPs for the Civil Rights office which are used in the course of responding to, investigating, and processing an EEO informal complaint, including guidance regarding ADRs, and guidance regarding academy failures/EEO claims.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009150

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 7, 2016, concerning all SOPs for the Civil Rights office which are used in the course of responding to, investigating, and processing an EEO informal complaint, including guidance regarding ADRs, and guidance regarding academy failures/EEO claims.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
FOIA Program Management Branch (AAE-1)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Adetola Sanusi  
FOIA Coordinator  
(202) 267-8087

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist



Harold R <h.rutila@gmail.com>

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## Freedom of Information Act Request

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7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 14, 2016 at 10:36 AM

Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office


**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, September 07, 2016 3:58 PM  
**To:** 7-AWA-ARC-FOIA (FAA); Adeltola.sanusi@faa.gov  
**Subject:** Freedom of Information Act Request

Good afternoon:

[Quoted text hidden]

[Quoted text hidden]

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 **Ack Letter 2016-009150\_Rutila.pdf**  
114K



Harold R &lt;h.rutila@gmail.com&gt;

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**Freedom of Information Act Request**

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Harold R &lt;h.rutila@gmail.com&gt;

Thu, Sep 8, 2016 at 1:20 AM

To: 7-awa-arc-foia@faa.gov, melanie.yohe@faa.gov

Good morning,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

1. Copies of emails from Adacel Technologies Limited ("Adacel"), including the email address helpdesk@simcare.biz, that were sent to or received by personnel at the FAA Academy whom are responsible for overseeing Adacel equipment (ie. Tower Simulation System [TSS] labs) used in the FAA Academy Tower Cab Initial Qualification Training Course, within a timeframe from and including May 17th, 2016 to and including May 31st, 2016.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV



Harold R &lt;h.rutila@gmail.com&gt;

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**Freedom of Information Act Request**

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7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 14, 2016 at 10:50 AM

Good Morning,


Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, September 08, 2016 1:20 AM  
**To:** 7-AWA-ARC-FOIA (FAA); Yohe, Melanie (FAA)  
**Subject:** Freedom of Information Act Request

[Quoted text hidden]

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 **Ack Letter 2016-009151\_Rutila.pdf**  
106K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009151

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 8, 2016, concerning copies of emails from Adacel Technologies Limited ("Adacel"), including the email address [helpdesk@simcare.biz](mailto:helpdesk@simcare.biz), that were sent to or received by personnel at the FAA Academy whom are responsible for overseeing Adacel equipment (ie. Tower Simulation System [TSS] labs) used in the FAA Academy Tower Cab Initial Qualification etc...

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Air Traffic Organization (AJI-172)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Melanie Yohe  
FOIA Coordinator  
(202) 267-1698

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist



Harold R &lt;h.rutila@gmail.com&gt;

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## Freedom of Information Act Request

---

Harold R &lt;h.rutila@gmail.com&gt;

Thu, Sep 8, 2016 at 2:51 AM

To: 7-awa-arc-foia@faa.gov, melanie.yohe@faa.gov

Good morning,

The following is a new request made in accordance with the Freedom of Information Act (FOIA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

1. Copies of evaluation schedules from Tower Cab Initial Qualification Training courses (also known as Initial Tower Cab Training) that were posted in trainees' assigned "breakout rooms" (ie. classrooms) during each class' final evaluation period, from August 31, 2015 to August 31, 2016. Schedules should include handwritten and typed amendments and/or additions made by personnel in the FAA Academy Quality Assurance (AMA-505b) office, including those by Ken MacNeill, if such handwritten and/or typed amendments or additions were made after the schedules were initially posted. If not amended, please provide original copies of said schedules.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV



Harold R <h.rutila@gmail.com>

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## Freedom of Information Act Request

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7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Wed, Sep 14, 2016 at 10:59 AM

Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.


FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, September 08, 2016 2:52 AM  
**To:** 7-AWA-ARC-FOIA (FAA); Yohe, Melanie (FAA)  
**Subject:** Freedom of Information Act Request

Good morning,

[Quoted text hidden]

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 **Ack Letter 2016-009152\_Rutila.pdf**  
114K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 14, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009152

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 8, 2016, concerning copies of evaluation schedules from Tower Cab Initial Qualification Training courses (also known as Initial Tower Cab Training) from August 31, 2015 to August 31, 2016..

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Air Traffic Organization (AJI-172)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Melanie Yohe  
FOIA Coordinator  
(202) 267-1698

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist





Harold R &lt;h.rutila@gmail.com&gt;

---

## Freedom of Information Act Request

---

Harold R &lt;h.rutila@gmail.com&gt;

Fri, Sep 9, 2016 at 9:13 PM

To: 7-awa-arc-foia@faa.gov, melanie.yohe@faa.gov

Good afternoon,

The following is a new request made in accordance with the Freedom of Information Act (FOIA) and the Privacy Act (PA), as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

1. Any record, including but not limited to textual logs and voice recordings, of an evaluation of Harold Rutila and Andrew Koski conducted in TSS Lab 5 (Room 109B) of the Stafford Building at the Mike Monroney Aeronautical Center on Tuesday, May 24th, 2016. These records may be located in a database or file system storing the records, the ADACEL file system (FS) computer, and/or the sim\_t folder of the ADACEL system.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

My mailing address is:  
12498 Woodhull Lndg  
Fenton, MI 48430-9764

Sincerely,  
Harold E. Rutila IV



Harold R &lt;h.rutila@gmail.com&gt;

---

**Freedom of Information Act Request**

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**7-awa-arc-foia@faa.gov** <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Thu, Sep 15, 2016 at 10:46 AM

Good Morning,

Your request has been processed. Please refer to the attached letter.


Thank you,

FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Friday, September 09, 2016 9:13 PM  
**To:** 7-AWA-ARC-FOIA (FAA); Yohe, Melanie (FAA)  
**Subject:** Freedom of Information Act Request

[Quoted text hidden]

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 **Ack Letter 2016-009192\_Rutila.pdf**  
116K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

September 15, 2016

Mr. Harold Rutila  
12498 Woodhull LNDG  
Fenton, MI 48430

Re: Freedom of Information Act (FOIA) Request 2016-009192

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated September 9, 2016, concerning Any record, including but not limited to textual logs and voice recordings, of an evaluation of Harold Rutila and Andrew Koski conducted in TSS Lab 5 (Room 109B) of the Stafford Building at the Mike Monroney Aeronautical Center on Tuesday, May 24th, 2016.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Air Traffic Organization (AJI-172)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Melanie Yohe  
FOIA Coordinator  
(202) 267-1698

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Elena Richardson  
FOIA Management Specialist



Harold R &lt;h.rutila@gmail.com&gt;

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**FOIA# 2016-9192**

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**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com

Thu, Sep 22, 2016 at 6:10 PM

Dear Mr. Rutila,

Your request was received through our DC office (see original ACK Letter) and was not routed to the correct responding records owner. I have taken this request and moved it to the FAA Academy in Oklahoma City for processing. I will be your point of contact and will let you know if there are issues regarding the owner of these records.

Please let me know if you have concerns.

Thank you,

Edward Drake

405-954-7327

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 **ACK Letter.pdf**  
116K



Harold R <h.rutila@gmail.com>

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**FOIA# 2016-9192**

---

Harold R <h.rutila@gmail.com>  
To: 9-AMC-FOIA-Request@faa.gov

Sat, Sep 24, 2016 at 8:24 AM

Received, thank you!

Harold Rutila

[Quoted text hidden]

**CIVIL COVER SHEET**

**RECEIVED**  
**OCT 17 2016**  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF TEXAS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 Harold Edward Rutila IV

**(b) County of Residence of First Listed Plaintiff** Dallas  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
 In Pro Se  
 2255 Arkansas Lane #258  
 Grand Prairie, TX 75052

**DEFENDANTS**  
 U.S. Department of Transportation,  
 Federal Aviation Administration

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**8-16CV-2911B**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION	FEDERAL TAX SUITS	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
5 USC 552

Brief description of cause:  
Constructive denial of Freedom of Information Act requests

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint:  
 JURY DEMAND:     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE 10/17/2016    SIGNATURE OF ATTORNEY OF RECORD  
Harold E. Rutila IV

FOR OFFICE USE ONLY    RECEIPT # \_\_\_\_\_    AMOUNT \_\_\_\_\_    APPLYING IFP \_\_\_\_\_    JUDGE \_\_\_\_\_    MAG. JUDGE \_\_\_\_\_