

EXHIBIT 2



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

Dennis Ahearn
Ahearn Phillips, LLC
904 Princess Anne St., Suite 304
Fredericksburg, VA 22401

May 15, 2015

Dear Mr. Ahearn,

This is in response to your 12/02/2014 Freedom of Information Act (FOIA) request number SBA-2015-000140.

You requested

1. All SBA "intra-agency e-mails and other records of communication between January 1, 2013 to December 31, 2013, regarding MicroTech, LLC (including MicroTech), MicroTechnologies, LLC, or Anthony Jimenez (including Tony Jimenez), MicroTech's founder and CEO) between Christopher R. Clarke, Esq. of the SBA's Office of General Counsel and any SBA employee or appointee, including but not limited to Darryl K. Hairston and Jonathan L. Swain."
2. "All SBA intra-agency e-mails and other records of communication between January 1, 2013 to December 31, 2013, regarding MicroTech, LLC, MicroTechnologies, LLC or Anthony Jimenez between John W. Klein, SBA's Associate General Counsel for Procurement Law, and any SBA employee or appointee, including but not limited to Darryl K. Hairston and Jonathan L. Swain."
3. "All e-mails and other records of communications between January 1, 2013 to December 31, 2013, regarding MicroTech, LLC, MicroTechnologies, LLC or Anthony Jimenez by and between Christopher R. Clarke and Matthew T. McGuire, U.S. Department of Commerce Director of the Office of Business Liaison or any other U.S. Department of Commerce employee or appointee."
4. "All e-mails and other records of communications between January 1, 2013 to December 31, 2014, regarding MicroTech, LLC, MicroTechnologies, LLC or Anthony Jimenez by and between John W. Klein and Matthew T. McGuire, U.S. Department of Commerce Director of the Office of Business Liaison or any other U.S. Department of Commerce employee or appointee."

This office has determined that SBA has no records responsive requests three and four. SBA determined that there were 692 records responsive to requests one and two. Of this SBA has determined that 440 documents being withheld pursuant to Exemption 5. These documents contain drafts, attorney work product and attorney client material. Further, SBA has determined that one document should be withheld pursuant to Exemption 7.

A list of the documents SBA deemed responsive and that are not being withheld will be attached as Exhibit A to our final disclosure. A list of the documents being withheld pursuant to Exemption 5 is will be attached as Exhibit B.

The following FOIA exemption(s) is/are cited for the information being withheld:

Exemption 5 (5 U.S.C. § 552(b)(5)) allows the agency the discretion to withhold "...inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.

Exemption 7 (5 U.S.C. § 552(b)(7)) protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual."

Prior to release of the documents you must provide SBA with fees in accordance with 13 CFR § 102.6 (See the attached invoice which details the required fees.)

Please submit a check or money order in the amount indicated on the invoice, payable to the Small Business Administration. Upon receipt of your payment, we will forward the releasable records to you. For your information, 13 CFR § 102.6(d) requires that "SBA will charge interest on any unpaid bill starting on the 31st day following the date of billing."

If you think this reply is unsatisfactory, you have a right to appeal the decision to the Chief, Freedom of Information/Privacy Acts Office, U.S. Small Business Administration, 409 Third Street, SW, Washington, DC 20416. You must submit an appeal within 60 calendar days of the

date of the notice of denial. Your appeal should contain a description of the information denied, the name and title of the SBA official or employee who denied the request, the reason for the denial, and other facts you deem appropriate.

Sincerely,

Christopher R. Clarke
Attorney Advisor
Office of General Counsel
Small Business Administration
409 3rd Street, SW
Washington, DC 20416
202-205-7307 telephone
Christopher.Clarke@sba.gov

Enclosures