

**Exhibit K – NARA’s fax to Clark Hill PLC dated
March 18, 2016.**

RESPONSE LETTER**RE: SCHOFIELD, ROBERT****SOCIAL SECURITY NUMBER****THE REPLY TO THE INQUIRY WILL BE FOUND IN THE CHECKED ITEM(S)**

- The attached material is furnished in response to your request. **TRANSCRIPT**
- Your request did not specify a particular Standard Form 50, Notification of Personnel Action. We have attached a copy of the most recent form. If you require another SF 50, please include the date of the SF 50 and the specific action shown on the form.
- This transcript of employment (which has been prepared from pay records) is furnished in lieu of an official personnel folder, which either was never established or cannot be located. File this transcript as a permanent record on the right side of the official personnel folder established for this employee.
- The records of employment with the District of Columbia Government and Defense Non-appropriated Fund activities are not combined with the records of other Federal employment. The attached transcript serves as official documentation of the employee's service in lieu of the folder
- This form has not been notarized, as we have no notary available. We have affixed the seal of the National Archives and Records Administration, which is generally accepted as sufficient certification.
- We cannot answer questions of a personal nature. Unless otherwise indicated, conduct and performance were satisfactory.
- The requested information or document is not in the official personnel folder.
- The information you requested is not releasable without either written authorization and signature from the person whose records is involved or proof of that person's death. If you resubmit your request, please return all correspondence.
- A search of our records did not reveal a record of the claimed Federal employment. If additional information or documentation can be submitted to verify the information shown in the request or to otherwise support the claimed employment, we will make a further search. If you resubmit your request, please return all correspondence.
- Requests involving retirement or insurance information or medical records should be sent to the Office of Personnel Management, Retirement Programs, 1900 E Street NW, Washington, DC 20415-3000.
- Pay claims arising from Federal employment should be sent to the agency out of whose actions the claim arose.
- Requests concerning amendment or removal of information in the official personnel folder should be sent to the Deputy Associate Director, Center for HR Systems Requirements and Strategies, Room 6500, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415-6000.
- We do not have the authority to determine civil service status, reinstatement eligibility, or creditability of service. Contact the personnel office with which you are currently employed or seeking employment, or the Office of Personnel Management, 1900 E street, NW, Room 6500, Washington, DC 20415-9300. The attached documents or transcript will assist in making such determinations.
- The records you have requested are not on file at this Center.
- We suggest you contact the address given below/on the attached printout.
- The official personnel folder is not at this Center. Please contact the last or current employing agency.
- The agency mentioned in your request does not retire personnel records to this Center. We suggest you write directly to that agency.
- Your request, along with the necessary documents, has been forwarded to the office that retains legal custody of the record for processing. Please contact that office at the address given below if you have further questions about this matter.
- The requested official personnel folder was sent to the address given below on _____. We suggest you contact that office.

Referral address:

CLARK HILL
FAX: 202-772-0919

DATE: 3/18/2016

For the Chief,
 Civilian Operations Branch
 Reference Service Branch

M.C.
8pgr

NATIONAL PERSONNEL RECORDS CENTER
(Civilian Personnel Records)
1411 Boulder Blvd
Valmeyer IL 62295

TRANSCRIPT/STATEMENT OF FEDERAL SERVICE

NAME (Last, first, middle)
SCHOFIELD, ROBERT

Date of Birth (mm,dd,yyyy)
 ()

Social Security Number

The information furnished below, taken from official records of the Federal Government, should be treated as CONFIDENTIAL.

NATURE OF ACTION <small>(This column used only for a transcript of employment)</small>	EFFECTIVE DATE OR PERIOD <small>(mm,dd,yyyy)</small>		POSITION, GRADE AND SALARY	AGENCY AND LOCATION	REMARKS
	FROM	TO			
			IMMIGRATION INSPECT \$38,925 PA DIST ADJ OFFICER \$56,362 PA SUPV DISTRICT OFFICER \$84,218 PA SUPV DISTRICT OFFICER \$84,218 PA SUPV DISTRICT OFFICER \$97,976 PA	DEPT OF JUSTICE NIAGARA FALLS, NV DEPT OF JUSTICE ARLINGTON, VA DEPT OF JUSTICE ARLINGTON, VA HOMELAND SECURITY ARLINGTON, VA HOMELAND SECURITY ARLINGTON, VA HOMELAND SECURITY ARLINGTON, VA	

W. Schmidt

KEY TO ABBREVIATIONS

- | | | | | | | | |
|---------------|---------------------------------|---------------|---------------------------------|----------|---------------------|-------|-------------------------------------|
| AD | -Adjustments | EXT | -Extensions | REASSIGN | -Reassignment | SUSP | -Suspension |
| APPT | -Appointment | FURL | -Furlough | RIF | -Reduction in Force | TEMP | -Temporary |
| CAR APPT | -Career Appointment | INDEF | -Indefinite | REEMPL | -Reemployment | TERM | -Termination |
| CAR COND APPT | -Career Conditional Appointment | LA | -Leave Without Pay | REINS | -Reinstatement | TRANS | -Transfer |
| CON | -Conditional | LWOP | -Military | REM | -Removal | WGI | -Within Grade Increase |
| CONT | -Continuance | MIL | -Physical Disability Retirement | RESIG | -Resignation | WSIA | -War Service Indefinite Appointment |
| CONV | -Conversion | PHYS DIAB RET | -Promotional | RESTOR | -Return to Duty | WSTA | -War Service Temporary Appointment |
| DEM | -Demotion | PROB | | RET | -Retirement | | |
| EXC | -Excepted | PROM | | RTD | -Return to Duty | | |
| | | | | SEP | -Separation | | |

CLARK HILL

Patrick Taurel
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Email: P.Taurel@ClarkHill.com

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North Building, Suite 1000
Washington, DC 20004
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February 22, 2016

FREEDOM OF INFORMATION ACT APPEAL

USPS CERTIFIED MAIL

Deputy Archivist of the United States
ATTN: FOIA Appeal Staff
Room 4200
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001.

Re: **Freedom of Information Act Appeal – National Personal Records Center,
Annex
No Number Assigned**

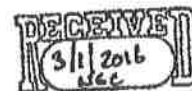
Dear Sir or Madam:

On November 5, 2015 we filed a Freedom of Information Act (FOIA) request with the National Personal Records Center, Annex (NPRCA), for certain records pertaining to Robert T. Schofield.¹ See FOIA Request. We did not receive an acknowledgment letter from the NPRCA.

We mailed our FOIA request via USPS Priority Mail. The USPS Tracking Number associated with our FOIA request is 9405 5118 9922 3306 4318 85. See USPS Priority Mailing Envelope. The package bearing USPS Tracking Number 9405 5118 9922 3306 4318 85 was delivered to the NPRCA on November 9, 2015. See Printout, USPS webpage.

It has been over three months since you received our FOIA request. When a party submits a FOIA request, the agency has 20 business days to determine whether to produce records responsive to the request. 5 U.S.C. §552(a)(6)(A)(i). In unusual circumstances, this deadline may be extended for a maximum of ten additional business days. 5 U.S.C. §552(a)(6)(B)(i). When an agency fails to meet the response times required by FOIA, requesting parties may deem the agency's delay a denial of the FOIA request and appeal the denial. See,

¹ Please note that on February 1, 2016, approximately three months after we filed the FOIA request at issue in this appeal, I began working for Clark Hill PLC. My current address appears in the letterhead. Please update your records accordingly.



Associate General Counsel

February 18, 2016

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e.g., Ruotolo v. Dep't of Justice, 53 F.3d 4, 8 (2d Cir. 1995) (“[A]dministrative remedies are ‘deemed exhausted’ if the agency fails to comply with the ‘applicable time limit’ provisions of the FOIA.”); *Voinche v. Fed. Bureau of Investigation*, 999 F.2d 962, 963 (5th Cir. 1993) (“If an agency has not complied within the statutory time limits of a FOIA request, the requestor shall be deemed to have exhausted his administrative remedies and [may] bring suit.”).

You have failed to respond to our FOIA request with the twenty days provided under the FOIA statute. Accordingly, please consider this letter an appeal of your constructive denial of our FOIA request.

Sincerely,

CLARK HILL PLC



Patrick Taurel

Enclosures

cc: Thomas K. Ragland, Clark Hill PLC
Thomas A. Elliot, Lichtman & Elliot, PC
Richard W. Chang, Wasserman, Mancini & Chang, PC
Parastoo G. Zahedi, Law Office of Zahedi PLLC

CLARK HILL

BENACH RAGLAND LLP

November 5, 2015

National Records Center, FOIA/PA Office
FOIA Officer/Public Liaison: Jill Eggleston
P. O. Box 648010
Lee's Summit, Mo. 64064-8010

FOIA Public Liaison
DHS-OIG Counsel
STOP 0305
245 Murray Lane, SW
Washington, D.C. 20528-0305

National Personnel Records Center, Annex
1411 Boulder Boulevard
Valmeyer, IL 62295

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

RE: Freedom of Information Act Request

Dear Sir or Madam:

Benach Ragland LLP, Lichtman & Elliot, PC, Wasserman, Mancini & Chang, PC, and Law Office Of Zahedi PLLC, ("requestors") respectfully submit this letter as a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et. seq.*

RECORDS SOUGHT

Requestors seek any and all records¹ which have been prepared, received, transmitted, collected and/or maintained by U.S. Citizenship and Immigration Services ("USCIS"), legacy Immigration and Naturalization Service ("INS"), the Department of Homeland Security Office of the Inspector General ("DHS OIG"), the Federal Bureau of Investigation ("FBI"), and the National Personnel Records Center ("NPRC") which relate or refer in any way to any to:

¹ The term "records" as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audiotapes, e-mails, faxes, files, evaluations, analyses, instructions, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials, and studies.

- allegations, investigations, or findings of misconduct involving former USCIS supervisory district adjudication officer Robert T. Schofield ("Schofield");
- allegations, investigations, or findings of conduct unbecoming a government employee involving Schofield;
- allegations, investigations, or findings of fraud involving Schofield;
- allegations, investigations, or findings of bribery involving Schofield;
- allegations, investigations, or findings of misuse of public office involving Schofield;
- allegations, investigations, or findings regarding an inappropriate relationship Schofield had with a woman connected to an INS or USCIS investigation;
- performance evaluations for Schofield;
- disciplinary or remedial action² taken against Schofield and the date(s) any such action was taken; and
- favorable employment action³ taken with respect to Schofield and the date(s) any such action was taken.

Requestors request that records existing in electronic form be provided in electronic format or on compact disc.

NATURE & PURPOSE OF REQUEST

On June 29, 2006, the FBI arrested Robert T. Schofield, a former supervisory district adjudication officer at the Washington Field Office of USCIS, after a joint investigation with the DHS OIG, for falsifying naturalization certificates in exchange for bribes. Schofield was ultimately convicted in U.S. District Court for the Eastern District of Virginia of bribery of a public official, in violation of 18 U.S.C. § 201(b)(2)(C), as well as aiding and abetting the unlawful procurement of citizenship or naturalization, in violation of 18 U.S.C. § 1425. *United States v. Schofield*, No. 1:06-cr-00427 (E.D. Va. Apr. 20, 2007) (Judgment). Schofield was sentenced to serve 180 months in the custody of the Bureau of Prisons. *Id.*

Schofield's fraudulent scheme harmed hundreds of immigrants – many of whom were innocent victims. See, e.g., *United States v. Chu*, No. 1:07-CR-117 (E.D. Va. 2007), Trial Tr. vol 1, 13, June 6, 2007 (Schofield recognizes two "types of clients" – those interested in buying benefits and those interested in applying for them legally); *United States v. Schofield*, No. 1:06-cr-00427 (E.D. Va. Sept. 21, 2012) (Def's Brief In Support of Gov't's Rule 35 Motion) ("[T]he vast majority of the illegally granted benefits – approximately 175 individuals – were granted to aliens who were already lawfully in the country as legal permanent residents, and had passed background checks."). Requestors represent several such innocent victims, some of whom the Department of Homeland Security is attempting to remove from the United States.

Misconduct allegations against Schofield pre-date and go well beyond the bribery scheme for which he was ultimately convicted. At the time Schofield pled guilty, he was a 30-year veteran of INS

² The term "disciplinary or remedial action" as used herein includes, but is not limited to, termination, demotions, reductions in compensation, and other workplace sanctions.

³ The term "favorable employment action" as used herein includes, but is not limited to, any reinstatements, promotions, bonuses, awards, and increases in compensation.

and USCIS, having first been hired by INS in 1976. *United States v. Chu*, No. 1:07-CR-117 (E.D.Va. 2007), Trial Tr. vol 1, 4, June 6, 2007 (testimony of Robert T. Schofield). Documents filed by the prosecution in *United States v. Schofield* reflect that in the decade preceding his arrest, Schofield had been accused of a wide array of misconduct including accepting bribes, unauthorized use of government credit cards, and falsifying immigration documents. Jerry Markon, *Immigration Official Pleads Guilty to Falsifying Documents*, Wash. Post, Dec. 1, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/30/AR2006113000603.html>.⁴ According to the *Washington Post*,

Court documents indicate that accusations against the 30-year federal employee were not new. Over the past decade, federal officials investigated numerous bribery allegations involving Schofield and Asian immigration applicants when he worked at the former Immigration and Naturalization Service, according to court documents unsealed when Schofield was charged in June.

Schofield was demoted at one point for "conduct unbecoming a government employee," the documents say, and had an "inappropriate relationship" with a woman connected to an INS criminal probe. When confronted about that relationship by INS officials, Schofield fled to East Asia, where he made \$36,000-worth of unauthorized purchases on his government-issued credit card, according to court documents.

It remains unclear when Schofield returned to the United States, how the previous investigations ended and how Schofield became a supervisor when the Department of Homeland Security took over INS's functions in 2003.

Id. (Emphasis added). Schofield's prosecution and misconduct are widely known and in the public domain; they were even discussed in the halls of Congress. *Whether Attempted Implementation of the Senate Immigration Bill Will Result in an Administrative and National Security Nightmare: Hearing before the Subcommittee on Immigration, Border Security and Claims, 109th Cong. 5* (2006) (statement of Michael J. Maxwell); see also Jerry Markon, *Fairfax Man Accused of Illegally Helping Immigrants*, Wash. Post, June 30, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/29/AR2006062901907.html>; Sean Alfano, *Fraud Charges Inside Homeland Security*, CBS News, June 29, 2006, available at <http://www.cbsnews.com/news/fraud-charges-inside-homeland-security/>.

What is less well-known — and what this FOIA request seeks to discern — is the circumstances under which Schofield was permitted to hold a position of authority⁵ — which Schofield abused to the detriment of requestors' clients — after he previously had been found to have engaged in serious misconduct. This FOIA request seeks information and documentation relating to these violations of the public trust. Full compliance with this request is therefore consistent with the central purpose of the

⁴ The court documents referenced in the *Washington Post* article are not available on PACER.

⁵ According to the United States, at the time of his arrest, "Schofield was a trusted senior official ... with almost 30 years of federal service[.]" *United States v. Schofield*, No. 1:06-cr-00427 (E.D. Va. July 17, 2012) (Government's Rule 35 Motion) (emphasis added).

FOIA. *U.S. Dept. of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 772 (1989). If the request is denied in whole or in part, we request explicit justification for all deletions by reference to specific FOIA exemptions. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information.


Please inform us if the charges for this FOIA production will exceed \$250.00. Please furnish all applicable records to:

Patrick Taurel, Esq.
Benach Ragland LLP
1333 H Street, NW
Suite 900 West
Washington, D.C. 20005

Thank you in advance for your response to this request within twenty working days, as FOIA requires. See 5 U.S.C. § 552(a)(6)(A)(i).

If you have any questions, please feel free to contact me at (202) 644-8600 or ptaurel@benachragland.com.

Sincerely,



Patrick Taurel, Esq.

Enclosures: None,
cc: Thomas K. Ragland, Benach Ragland LLP
Thomas A. Elliot, Lichtman & Elliot, PC
Richard W. Chang, Wasserman, Mancini & Chang, PC
Parastoo G. Zahedi, Law Office Of Zahedi PLLC