

U.S. CUSTOMS SERVICE  
REGULATORY AUDIT DIVISION  
DETROIT FIELD OFFICE  
DETROIT, MICHIGAN

IMPORTER COMPLIANCE ASSESSMENT REPORT

**OCT 27 2000**

FORD MOTOR COMPANY  
DEARBORN, MICHIGAN

REPORT NO. 911-97-IMO-002

INTRODUCTION

The U.S. Customs Service has completed a Compliance Assessment (CA) of Ford Motor Company (Ford) headquartered in Dearborn, Michigan. The CA was initiated pursuant to the fiscal year 1997 National Audit Plan. The CA was originated by the Regulatory Audit Division and coordinated with the Office of Strategic Trade (OST) and the Office of Field Operations (OFO).

Ford was selected for a CA as a result of the volume of importations, which ranked Ford number two of the top 1,000 importers, the number one automobile importer, the number two auto parts importer, and the number three truck importer in the automotive industry for fiscal year 1996. The overall CA objective was to determine Ford's level of compliance with Customs Regulations and related laws on import transactions during calendar year 1996. The CA was performed at Ford's West Park Center facility located in Dearborn, Michigan during July 1998 through September 1999. The company performed a controlled self-assessment as part of this compliance review.

The CA was performed by a multi-disciplinary team which included Regulatory Auditors from Detroit, Michigan, the Account Manager (AM) assigned to Ford, an International Trade Manager (ITM) from Washington, D.C., an International Trade Specialist (ITS) from Long Beach, California, and an Import Specialist (IS) from Detroit, Michigan.

BACKGROUND

General Background

Ford, headquartered in Dearborn, Michigan, operates as two principal business segments. The first segment consists of automotive manufacturing, and assembling, as well as, the sale of cars, trucks, and related parts and accessories. The second

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segment relates to the financial services, which provide wholesale and retail financing through the various Ford dealerships for the purchase of motor vehicles. The automotive segment contributed 84.3 percent of sales and revenues for Ford in 1992. In addition, the Ford U.S. manufacturing and assembly divisions are located throughout the U.S. and consist of plants producing goods ranging from engines to electronic components. In 1996, Ford employed 371,702 people in more than 200 countries and territories (189,718 in the U.S.). In addition, Ford had sales in excess of \$147 billion as of December 31, 1996 and stockholders equity in excess of \$26.8 billion.

### Corporate Structure

On June 16, 1903, Henry Ford and a small group of investors began operations. Since this time, Ford has become a multinational corporation and is currently the world's second largest industrial corporation and the second largest producer of cars and trucks. As a result of its over 90 years of operations, Ford has made several acquisitions and joint ventures, starting with the purchase of Lincoln Motor Company in 1922. Additional significant acquisitions and joint ventures made by Ford are summarized below.

In 1961, Ford acquired the Philco Corporation. In 1979, Ford acquired a 25 percent interest in Mazda, and two years later established Autorama, a joint venture distribution channel for Ford products in Japan. In 1986, Ford acquired 10 percent equity in Kia Motors Company. That same year, they acquired Iveco Ford Truck Ltd., a joint venture with Iveco to make and market heavy-duty commercial vehicles. In 1987, Ford became the majority stockholder of AC Cars Ltd. and also bought 75 percent of Aston Martin Lagonda. The remaining shares of Aston Martin were purchased in 1994. In 1990, Ford acquired Jaguar Motors. In 1991, they announced the formation of Autoeuropa, a joint venture with Volkswagen to produce a new multipurpose vehicle. In 1992, Ford acquired 50 percent of Mazda Motor Manufacturing and renamed it AutoAlliance International. In 1994, they acquired 100 percent of Hertz Corporation, the world's largest car rental company. Finally in 1996, Ford of Korea was formed in a joint venture with Kia Motor Company. A complete list of Subsidiaries and joint ventures is located at Exhibit A, and a complete list of foreign related companies is located at Exhibit B.

### Import Activity

Ford's importer number is 38-054919000. For calendar year 1996, Ford filed 129,752 entries that consisted of 274,816 summary lines. The total entered value was \$21,040,083,012 and the total duty paid was \$131,459,997. Entries were filed for Ford by the

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following Customhouse brokers: Expeditors International; Ford Motor Company; Circle International; Rudolph Miles & Sons, Inc.; AEI-Carr; William H. Joffrey; Fritz Companies, Inc.; and John S. Connor. At the initiation of the CA, Ford had a \$16.7 million continuous bond (bond number 389701233) filed in Detroit through American Casualty Company, surety number 037.

The majority of Ford's imported merchandise, by value, was entered under the following headings of the Harmonized Tariff Schedule (HTS).

HTS HEADING	DESCRIPTION	PERCENTAGE OF VALUE
8703	Automobiles	40.81%
8708	Auto Parts/Accessories	27.87%
8407	Spark Ignition Engines	4.92%
9801	Articles Exported and Returned	2.41%
8302	Metal Mountings/Fittings	2.34%
8409	Engine Parts	2.29%

The primary countries of origin were as follows: Canada (28.44%); Germany (22.14%); Japan (13.24%); and the United Kingdom (10.81%). The primary manufacturers were as follows: Unknown - no Manufacturer Identification Number listed (25.61%); Jaguar Car Exports (8.09%); and Mazda Motor Corporation (4.35%). The primary ports of entry were Detroit, Michigan (33.63%); Louisville, Kentucky (10.96%); and Baltimore, Maryland (9.76%).

The imported merchandise was appraised primarily under transaction value. Certain entries brought in from Mexico through the Port of El Paso were entered using computed value. Ford had a special agreement with the Port of El Paso regarding this issue. Therefore, we did not examine the calculations used to determine computed value, but accepted El Paso's evaluation of the entries. Payments to suppliers were paid by check or wire transfer in the currency identified on the purchase order. Ford's preferred payment terms were "net 15<sup>th</sup> 30 prox".

#### Previous Customs Review

An APTA audit was completed by the Detroit Branch of the North Central Region of Regulatory Audit in October of 1984. The audit revealed that there were errors relating to prices and quantities, tooling assists, part number omissions, non-APTA parts, receipts in transit, export quantities, excess and obsolete components, and subsequent interplant transfers of merchandise that resulted in a recommendation of additional

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duties being assessed of \$6,079. In January 1986, a letter was issued from the Detroit District Director to Ford, indicating that a duty bill in that amount was due from Ford. In addition the letter requested that the new APTA procedures set in place be documented with the Detroit District, now the Port of Detroit.

The Detroit Branch (911) of the Detroit Field Office completed an additional APTA audit in September of 1996. The audit revealed that Ford had inadequate internal controls regarding the compilation and preparation of APTA Diversion Reports. This resulted in a recommendation of additional duties in the amount of \$599,430 for the 1992 APTA Diversion Reports. In November of 1996, a letter was issued to inform Ford of the duties owed. Ford submitted a check for payment of those duties to Customs in December of 1996. Since that time, Ford has filed a protest with the office of Fines, Penalties & Forfeitures (FP&F) regarding this matter. The protest is still pending.

#### SCOPE AND METHODOLOGY

##### Compliance Assessment Objectives

Our CA was conducted in accordance with generally accepted government auditing standards and included tests and procedures considered necessary under the circumstances to determine if Ford:

- established an adequate system of internal controls over its Customs activities to ensure that declarations made on Customs entries were adequate and complete;
- maintained and could provide required documentation, using 1509(a)(1)(A) of the Tariff Act of 1930, as amended by section 615 of Public Law 103-182 (19 U.S.C. 1509 (a)(1)(A)) as a guideline;
- used the appropriate method of appraisement;
- reported accurate values on Customs entries (this included a review of the reported price paid or payable, exclusions, non-dutiable costs, and currency conversion);
- reported all additions to the price paid or payable in the form of selling commissions, royalties, assists, proceeds, packing, or indirect payments;
- properly classified the entered merchandise on Customs entries;

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1997. Additionally, they filed a second prior disclosure related to NAFTA entries, which they later canceled by letter to the Port of Detroit. As a result of the first disclosure, Ford tendered \$3,351,427 as reimbursement of refunded duties for those items that did not qualify for NAFTA treatment and for those items for which they had received both 520(d) refunds and duty drawback.

- In March of 1999, Ford disclosed that they had incorrectly claimed preferential treatment under GSP for entries filed in January of 1997 through February of 1999. The company made a tender in the amount of \$98,416 in duties as a result of this disclosure.

### RESULTS OF COMPLIANCE ASSESSMENT

#### Summary of Compliance Assessment Results

As of March 13, 2000, the CA process was revised to incorporate the use of new materiality criteria in the determination of the compliance rate calculated for an importer. This compliance rate is ultimately used to determine a compliance risk category for cargo exams on that importer's merchandise. At the time Customs changed the materiality criteria, they also added two new risk categories, minimum and standard. The new criteria were considered in the preparation of the following compliance rates and the determination of the compliance risk category.

Our examination of Ford's operations related to Customs transactions disclosed the following.

- Ford lacked adequate internal control procedures in: 1) verifying the reliability of their brokers' work; 2) ensuring the maintenance of records required by Customs; 3) ensuring the reporting of correct values on entries; 4) ensuring that imported merchandise was correctly classified; 5) ensuring that proper quantities were reported on Customs entries; and 6) ensuring compliance with the laws and regulations governing special trade areas, such as 9801, 9802, and GSP. See Attachment 1.
- Ford was less than 95 percent compliant for record keeping. The letter of the law compliance rate was 72.08 percent. Ford filed a prior disclosure for record keeping errors; however, there was no loss of revenue associated with these errors. See Attachment 2.
- Transaction value was the proper basis of appraisement except for importations from specific Mexican facilities brought in through the Port of El Paso. See Attachment 3.

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- Ford was less than 95 percent compliant in the area of reported value for entered merchandise on Customs entries. The letter of the law compliance rate was 53.75 percent. Ford's materiality compliance rate for value was 45.3 percent. See Attachment 4.
- We were unable to determine a compliance rate for unreported values. We did find evidence of calculation errors on submissions that had been filed with Customs; however, we did not find any evidence of unreported values. See Attachment 5.
- Ford was less than 95 percent compliant in the classifying of imported merchandise. The letter of the law compliance rate was 50 percent. Ford's materiality compliance rate for classification was 60 percent. In applying the new criteria and using value to determine the materiality rate for classification, we determined a materiality rate of 82.44 percent. See Attachment 6.
- Ford was less than 95 percent compliant in the area of reported quantities on Customs entries. The letter of the law compliance rate was 74.58 percent. Ford's materiality compliance rate for quantity was 59.3 percent. Ford filed a prior disclosure for quantity errors. Most errors were a result of a lack of documentation; therefore, there was no loss of revenue associated with quantity errors. See Attachment 7.
- Ford was at least 95 percent compliant for the reporting of HMF. See Attachment 8.
- Ford was at least 95 percent compliant for the use of HTS number 9801. The letter of the law compliance rate was 76.61 percent; however, the materiality compliance rate was 99.9 percent. See Attachment 9.
- Ford was at least 95 percent compliant for the use of HTS number 9802 on entries other than those coming from their Coelisa Plant in Mexico. We calculated a letter of the law compliance rate of 96.61 percent, and a materiality compliance rate of 99.8 percent. Additionally, Ford filed three prior disclosures for 9802 entries resulting in payments in the amounts of \$9,072, \$142,981, and \$1,333 respectively. See Attachment 10.
- Ford was less than 95 percent compliant in the area of classifying merchandise using HTS number 8708.99.8080. The letter of the law compliance rate was 22.33 percent, and the materiality compliance rate was 27.95 percent. The errors identified in the sample resulted in a loss of revenue in the amount of \$1,075. See Attachment 11.

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- Ford was less than 95 percent compliant for assigning case numbers to imports subject to ADD. The letter of the law compliance rate was 58.46 percent, and the materiality compliance rate was 70.1 percent. The errors resulted in a loss of revenue in the amount of \$17,942 for the sample. See Attachment 12.
- Ford was less than 95 percent compliant for the use of GSP benefits. Ford owes additional duties in the amount of \$30,471 for the errors identified in the sample. See Attachment 13.
- In our review of the eight additional prior disclosures filed by Ford, we found each of the prior disclosures to be accurate and complete. We have completed our review of all eight of the disclosures. Seven of the prior disclosures have been perfected and closed by FP&F. The one disclosure remaining open involved NAFTA entries and is currently being processed by FP&F. See Attachments 14 through 21.

#### NOTEWORTHY ACCOMPLISHMENTS

Ford performed a Controlled Self-assessment of the five common checks sample, as well as, all special trade areas identified for separate samples. As a result, they filed ten prior disclosures for the areas found to contain errors and began to develop and implement programs to correct the weaknesses disclosed. They submitted a complete report of their efforts and results to the auditor before the opening conference.

Ford officials fully cooperated with the CA team during the course of the assessment fieldwork. At the conclusion of our fieldwork, Ford developed a CIP to address and correct the areas of unacceptable compliance noted during our review. See Exhibit D.

Additionally, Ford has attempted to improve their Customs compliance through their involvement in various other programs. Ford volunteered to participate in the Customs Importer Compliance Monitoring Program (ICMP). They implemented a system of their own named Comply to work in conjunction with the National Customs Automation Prototype (NCAP) program. Their use of the Comply program greatly improved their classification process for imported merchandise. More recently they have put into use the quality improvement process called Six Sigma. Six Sigma uses statistical analysis to reduce the number of errors in transactions to just a few per million. Ford's Customs department is using it to identify weaknesses and implement improvements in their systems. With the help of their broker's consulting division, they are also implementing a program called



CIP 2000. Under this program, they will be conducting reviews of entries continually throughout the year. By doing this, they will be able to identify problems early and make corrections to their system before the problems become insurmountable.

#### Follow-up Review

Before the issuance of this report, we were able to review the new systems put in place to improve compliance. A follow-up review was performed by several National Import Specialists (NIS) to determine if Ford's classifications could be considered as reasonable interpretations of the HTS. The NIS(s) reviewed the classification of 60 part numbers that were the largest valued Ford imports for June 2000. From that review, they reported that 58 of the parts had been correctly classified. The two remaining parts are being considered by Headquarters Office of Regulations and Rulings (OR&R) as a reconsideration request. Therefore, the classification of the two parts was considered to be neither correct nor incorrect.

Additionally, the auditor reviewed Ford's system of monitoring their entries to ensure that all information provided to Customs was correct. The auditor reviewed the 100 entries used as the monitoring sample for each of the months of March and June 2000. This review encompassed the areas of recordkeeping, quantity, and value, as well as, the special trade areas, especially ADD, GSP, 9801, 9802, and NAFTA. Although the auditor still detected some minor errors, overall, Ford's level of compliance was at an acceptable level. Ford has implemented various programs to improve their overall compliance and are using this monitoring system to help them identify any remaining problems. When errors are identified, systemic problems are corrected to eliminate the reoccurrence of these errors. This system is used to detect errors in the common check areas, as well as, all special trade areas. See Ford's CIP included as Exhibit D of the Compliance Assessment Report.

#### COMPLIANCE ASSESSMENT TEAM'S OPINION

Ford did not meet an acceptable level of compliance in the areas of classification, value, quantity, record keeping, ADD, GSP, and 8706.99.8080. However, during the course of the compliance assessment, Ford prepared and implemented their CIP. The Compliance Assessment Team (CAT) was able to verify Ford's CIP and determined that Ford implemented corrective actions to improve all areas of concern.

It is our opinion that Ford's imports identified under importer of record number 38-054919000 should receive the level of cargo examinations and document reviews associated with companies that

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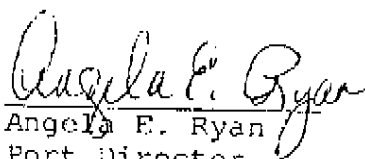
pose a low risk.

We recommend that Customs collect \$55,503 in duties and fees related to errors in value, classification, 9801, 8708.99.8080, ADD, and GSP.

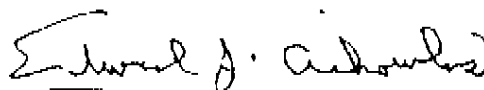
Since Ford has already taken corrective action by preparing and implementing their CIP, no follow-up review will be performed.

AUDIT AND ACCOUNTING COUNSEL

We will be available to furnish any additional details or audit services considered appropriate. If it is determined that additional audit service is required, please contact the Detroit Regulatory Audit office at (313) 226-4520.



Angela E. Ryan  
Port Director  
Detroit, Michigan



Edward J. Cichowlas  
Field Director  
Regulatory Audit Division  
Detroit, Michigan

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&  
**HOSTETLER** L.L.P.  
COUNSELLORS AT LAW

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FAX (202) 861-1783

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKERLAW.COM

November 1, 2005

**VIA FEDERAL EXPRESS**

**CONFIDENTIAL TREATMENT REQUESTED**

Mr. Joseph M. Rees  
Director, Importer Self-Assessment  
United States Customs Service  
Regulatory Audit Division  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20229

*Re: October 6, 2005 Freedom of Information Act Request on Behalf of  
Ford Motor Company*

Dear Mr. Rees:

As I stated in my telephone message to you of October 14, 2005, your call on October 13, 2005 regarding Ford Motor Company's ("Ford") Freedom of Information Act ("FOIA") request was appreciated.

You stated in that discussion that Ford currently maintains a high-quality import operation and was indeed "a poster child" for the way a company should conduct its import operations in relationship to U.S. Customs & Border Protection ("CBP" or "Customs"). You informed me that Customs had made a favorable assessment of Ford's import compliance program and had generated a favorable report which indicated Ford met the requirements of the Importer Self-Assessment "ISA" program. Furthermore, no areas of risk were found during the assessment visit to a Ford facility. All these factors evidence Ford's overall commitment to import compliance. You explained that the only reason Ford has not been admitted to the ISA program were the existence of the outstanding cases in the CIT decided by that court in the summer of this year. This prevented entry to the program you explained since Customs' "policy" precludes admittance into ISA when there are outstanding disputes with Customs, even though those disputes relate to events of many years ago.

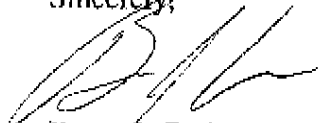
Ford appreciates your offer to provide a letter from CBP stating that Ford has met all the requirements for the ISA program and the only reason it has not yet been approved is due to a dispute with CBP. Such a letter, while it would be appreciated, cannot, however, serve as a substitute for a response to our FOIA request. Therefore, as stated in my message to you of

November 1, 2005

Page 2

October 14, 2005, we must insist that our FOIA request to your office dated October 6, 2005, be processed pursuant to the timelines required by statute and regulation.

Sincerely,

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Bruce J. Casino

BJC/bas

72370, 00888, 500945797, Rees ltr 103105

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U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

NOV 4 2005

Mr. Bruce J. Casino  
Baker & Hostetler LLP  
1050 Connecticut Avenue, N.W.  
Suite 1100  
Washington, DC 20036

Dear Mr. Casino:

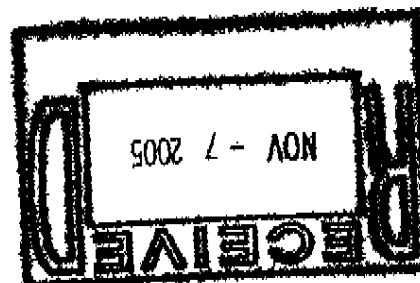
Your letter dated October 6, 2005, requesting records and information under the Freedom of Information Act on behalf of Ford Motor Company has been received and noted.

We are reviewing the elements of your request and will respond as soon as the review is completed. In the meantime, if you have any questions, please do not hesitate to contact me at (202) 863-6065.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. Rees".

Joseph M. Rees  
Director  
Importer Self Assessment  
Office of Strategic Trade  
U.S. Customs and Border Protection



A handwritten mark consisting of three overlapping strokes. The first stroke is a vertical line on the left. The second stroke is a vertical line on the right. The third stroke is a diagonal line crossing both vertical lines from the bottom-left to the top-right.



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&  
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FAX (202) 861-1533 • TELEX (850) 2357276  
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BRUCE J. CASTNO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASTNO@BAKERLAW.COM

December 6, 2005

**VIA FEDEX**

FOIA Appeals Officer  
United States Customs Service  
1300 Pennsylvania Ave., N.W.  
Washington, D.C. 20229

Re: **Freedom of Information Act Appeal**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, and applicable regulations, Ford Motor Company ("Ford"), through undersigned counsel, hereby appeals the denial of its FOIA requests, filed October 6, 2005, to the Regulatory Audit Divisions in Washington, D.C., and Fort Mitchell, KY, the Office of the Commissioner and the Office of Chief Counsel at the Department of Customs and Border Protection ("Customs"). A copy of the October 6, 2005, requests for documents are attached hereto for your reference.

It is Ford's understanding that some or all of these requests have been forwarded to Joseph M. Rees, Director of Importer Self Assessment in the Office of Strategic Trade at Headquarters, for response. We have not been provided file numbers for the requests.

FOIA requires Customs to notify a requester of its initial determination to grant or deny the request within 20 working days of the agency's receipt of the request. 5 U.S.C. § 552(a)(6)(A); 19 C.F.R. § 103.6. Ford received a letter dated Nov. 4, 2005 (attached), from Mr. Rees noting receipt of one of the FOIA requests, but Customs has yet to notify Ford of its initial determination or give Ford a timetable pursuant to which it can expect a determination or any responsive documents. Furthermore, Ford has received no written response whatsoever with respect to the other requests.

Because a requester is considered to have exhausted its administrative remedies with respect to the request when it does not receive a timely response, Ford is authorized to commence an action in United States district court for a judicial decision in this matter pursuant to 5 U.S.C. § 552(a)(4)(B) and 19 C.F.R. § 103.9. Ford has submitted this appeal rather than filing suit because it remains hopeful that the parties can reach a resolution without having to litigate this matter. However, Ford reserves its right to commence a judicial action if necessary.

FOIA Appeals Officer  
December 6, 2005  
Page 2

Since Ford's request has not been expressly denied, we are unable to address any specific arguments against disclosure that Customs might believe are applicable. However, as a general matter, we note that FOIA mandates disclosure of records held by a federal agency unless the documents fall within enumerated exceptions. *Department of the Interior v. Klamath Water Users Protective Association*, 532 U.S. 1 (2001); 5 U.S.C. § 552(a)(3)(A) and (b). Such exemptions are to be narrowly construed. *Department of Justice v. Tax Analysts*, 492 U.S. 136, 151 (1989). Congress believed that a philosophy of full disclosure, put into practice, would help "ensure an informed citizenry, vital to the functioning of a democratic society." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

We hereby petition and demand that the documents requested be provided to Ford pursuant to 5 U.S.C. § 552(a)(3), which commands that a federal agency "shall make records promptly available" to a requestor. As previously indicated, Ford is willing to pay any appropriate fees for search and duplication of the documents requested.

Pursuant to 19 C.F.R. § 103.7(c), the FOIA Appeals Officer is required to make a determination on this appeal within 20 business days. Accordingly, we will expect your determination of this appeal by January 6, 2005. If you have any questions, please feel free to contact me at the number listed above.

Sincerely,



Bruce J. Casino

BJC/bas  
Attachments

**BAKER  
&  
HOSTETLER LLP**  
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKPRLLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST  
CONFIDENTIAL TREATMENT REQUESTED**

**VIA FEDERAL EXPRESS**

United States Customs Service  
Regulatory Audit Division  
2220 Grandview Drive, Suite 215  
Fort Mitchell, KY 41017

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of Chief Counsel, the Office of the Commissioner, and the Regulatory Audit divisions in Detroit and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

For the purposes of this request, the term "documents" shall refer to all documents, including memoranda, work papers, accounting worksheets, spreadsheets, reports, facsimiles, letters, notes of any kind, including but not limited to personal notes; e-mails, telexes, research, computerized or electronic records of any kind, and memorializations in any form of discussions with any other persons including, but not limited to, other CBP personnel whether in the same or a different office.

We hereby request:

- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:

United States Customs Service

October 6, 2005

Page 2

- Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russell Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Sparc, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA application;
  - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
  - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandever;
  - Any documents relating to a meeting on or around May 2002 between Mr. Vandever and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
  - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
  - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

We have specified Mr. Ugone's files as a potential source of documents in the hope that we will be able to avoid troubling Mr. Ugone with a deposition should CBP fail to comply with these requests and Ford be forced to pursue them in litigation.

Please forward all of the requested information and any correspondence pertaining to this request, including the determination to grant or deny the request, to:

Baker & Hostetler LLP  
Attention: Bruce J. Casino  
1050 Connecticut Avenue N.W.  
Suite 1100  
Washington D.C. 20036

We would like to have a copy of the requested records made and furnished without first inspecting them, but we would be willing to discuss this with you further if inspection would expedite your response. Further, we agree on behalf of Ford to pay the fees for search and

United States Customs Service

October 6, 2005

Page 3

duplication of the requested materials; however, if you anticipate that such fees will exceed \$500, we request that you advise me of the estimated fees prior to accrual thereof.

Thank you for your prompt attention to this matter. We look forward to receiving a response within twenty (20) working days as specified under the Act. If any further information is needed in connection with this request, please contact me at 202-861-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce J. Casino", written over the word "Sincerely,".

Bruce J. Casino

**BAKER**  
&  
**HOSTETLER LLP**  
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FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKERLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST  
CONFIDENTIAL TREATMENT REQUESTED**

**VIA FEDERAL EXPRESS**

United States Customs and Border Protection  
Office of the Chief Counsel  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of the Commissioner, and the Regulatory Audit divisions in Detroit, Fort Mitchell, Kentucky, and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

For the purposes of this request, the term "documents" shall refer to all documents, including memoranda, work papers, accounting worksheets, spreadsheets, reports, facsimiles, letters, notes of any kind, including but not limited to personal notes; e-mails, telexes, research, computerized or electronic records of any kind, and memorializations in any form of discussions with any other persons including, but not limited to, other CBP personnel whether in the same or a different office.

We hereby request:

- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:

United States Customs And Border Protection

October 6, 2005

Page 2

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  - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
  - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandever;
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  - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
  - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

We have specified Mr. Ugone's files as a potential source of documents in the hope that we will be able to avoid troubling Mr. Ugone with a deposition should CBP fail to comply with these requests and Ford be forced to pursue them in litigation.

Please forward all of the requested information and any correspondence pertaining to this request, including the determination to grant or deny the request, to:

Baker & Hostetler LLP  
Attention: Bruce J. Casino  
1050 Connecticut Avenue N.W.  
Suite 1100  
Washington D.C. 20036

We would like to have a copy of the requested records made and furnished without first inspecting them, but we would be willing to discuss this with you further if inspection would expedite your response. Further, we agree on behalf of Ford to pay the fees for search and



United States Customs And Border Protection  
October 6, 2005  
Page 3

duplication of the requested materials; however, if you anticipate that such fees will exceed \$500, we request that you advise me of the estimated fees prior to accrual thereof.

Thank you for your prompt attention to this matter. We look forward to receiving a response within twenty (20) working days as specified under the Act. If any further information is needed in connection with this request, please contact me at 202-861-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce J. Casino", written in a cursive style.

Bruce J. Casino

**BAKER**  
&  
**HOSTETLER LLP**  
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKERLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST  
CONFIDENTIAL TREATMENT REQUESTED**

**VIA FEDERAL EXPRESS**

United States Customs and Border Protection  
Office of the Commissioner  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

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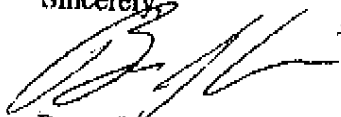
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United States Customs And Border Protection  
October 6, 2005  
Page 3

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**BAKER  
&  
HOSTETLER LLP**  
COUNSELLORS AT LAW

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Regulatory Audit Division  
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United States Customs Service  
October 6, 2005  
Page 2

Angela E. Ryan, Port Director in Detroit, and Edward J. Cichowlas, Field Director of the Regulatory Audit Division in Detroit.

- Any documents relating in any way to the determination of whether Ford would receive a letter from CBP memorializing its "low-risk importer" status. This request includes but is not limited to any documents relating to communications between Ford and Russell Ugone between October 2000 and April 2001.
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\*United States Customs Service  
October 6, 2005  
Page 3

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Sincerely,



Bruce J. Casino

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

NOV 4 2005

Mr. Bruce J. Casino  
Baker & Hostetler LLP  
1050 Connecticut Avenue, N.W.  
Suite 1100  
Washington, DC 20036

Dear Mr. Casino:

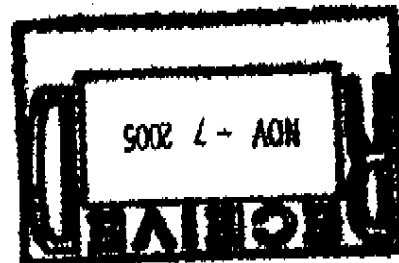
Your letter dated October 6, 2005, requesting records and information under the Freedom of Information Act on behalf of Ford Motor Company has been received and noted.

We are reviewing the elements of your request and will respond as soon as the review is completed. In the meantime, if you have any questions, please do not hesitate to contact me at (202) 863-6065.

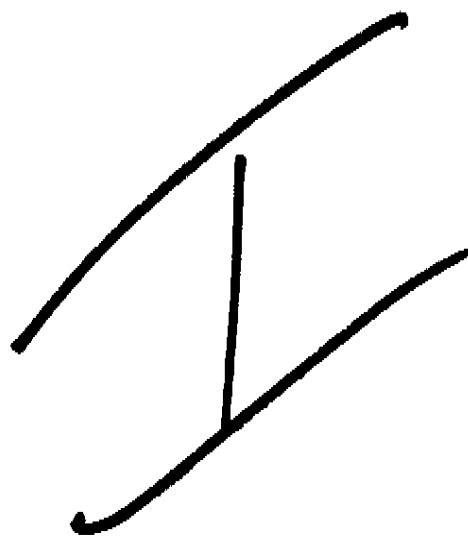
Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Rees".

Joseph M. Rees  
Director  
Importer Self Assessment  
Office of Strategic Trade  
U.S. Customs and Border Protection





A handwritten Roman numeral 'II' consisting of two parallel, slightly curved vertical lines. The top line is slightly higher than the bottom line, and both have a slight curve at their ends.

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

RR:IT:DL  
588838

January 9, 2006

Mr. Bruce J. Casino  
Baker & Hostetler  
Washington Square, Suite 1100  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5304

Dear Mr. Casino:

This acknowledges receipt of your correspondence dated December 6, 2005, which we received on December 16, on behalf of Ford Motor Company concerning your FOIA appeal.

The matter has been assigned to the FOIA Appeals, Policy & Litigation Branch for review and preparation of a response. We make every endeavor to complete our review and prepare of a response. However, multiple issue inquiries, or those requiring other agency input, may delay our response. If it becomes necessary to contact us regarding this matter, you may call (202) 572-8811 or write to us at U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Office of Regulations and Rulings, Mint Annex, Washington, DC 20229. Please refer to the file number in the upper right-hand corner of this letter in any future correspondence concerning this issue.

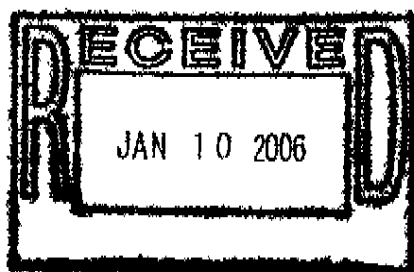
Your inquiry has been assigned to Greg Deutsch. Any questions regarding the substantive legal issues involved in your inquiry proposal may be raised with the person assigned the inquiry.

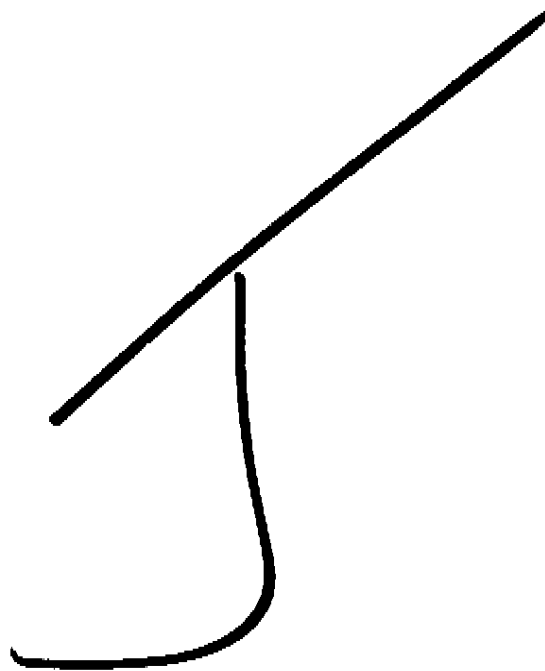
All questions regarding the priority or status of the processing must be raised with the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Shari Suzuki" with a stylized flourish at the end.

Shari Suzuki, Acting Chief  
FOIA Appeals, Policy & Litigation Branch



A handwritten mark consisting of a diagonal line sloping upwards from left to right, and a curved line below it that starts under the diagonal line, goes down, then curves back up and to the left, resembling a stylized 'J' or 'L'.

# U.S. CUSTOMS AND BORDER PROTECTION

## Department of Homeland Security

### FACSIMILE TRANSMITTAL

CD 2110-035

Date: 3-15-06

Control Number:

<b>TO</b>	Name:	Bruce Casino
	Organization:	B+H, LLP
	Fax Number:	(202) 861-1783
	Number of Pages (including cover):	4

<b>FROM</b>	Sender:	GREG DEUTSCH, ATTORNEY
	Originating Location:	OR+R, FOIA APPEALS, POLICY + LITIGATION BRANCH
	Return <u>FAX</u> Number:	(202) 572-8727 (8747)
	<u>Voice</u> Number:	(202) 572-8811 (8720 : Main Branch#)

<b>REMARKS</b>	<p>ltr. to you from Joe Rees (undated, but said to have been sent 2-2-06).</p> <p style="text-align: right;"><i>G. Deutsch</i></p>
----------------	--

**Important:** This document may contain confidential and sensitive U.S. Government information. Please deliver it immediately only to the intended recipient(s) listed above. The Bureau of Customs and Border Protection has not approved the documents review, retransmission, dissemination or use by anyone other than the intended recipient(s)

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Baker & Hostetler LLP  
Attention: Bruce J. Casino  
1050 Connecticut Avenue, N.W.  
Suite 1100  
Washington, DC 20036

Dear Mr. Casino:

This letter is in response to your letter of 6 October 2005 requesting records and information under the Freedom of Information Act (FOIA) on behalf of Ford Motor Company. In that FOIA request you asked for the following:

1. Any documents relating in any way to CBP's classification of Ford as a "low-risk importer" during its 1997-2000 Customs Assessment Team (CAT) Audit. This request includes but is not limited to any documents relating to the classification of Ford as a "low-risk importer" in the October 2000 CAT Audit Report signed by Angela E. Ryan, Port Director in Detroit, and Edward J Cichowlas, Field Director of the Regulatory Audit Division in Detroit.
2. Any documents relating in any way to the determination of whether Ford would receive a letter from CBP memorializing its "low-risk importer" status. This request includes but is not limited to communications between Ford and Russell Ugone between October 2000 and April 2001.
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4. Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:
  - A. Any documents relating in any way to a meeting held in February 2003—and attended by CBP's Russ Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddle Jones, Rick Spare, Jennifer Avery, and Dathrenal Davis—to review Ford's ISA Application;

- B. Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
  - C. Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003 telephone conversation between Mr. Ugone and Ford's Paul Vandevort;
  - D. Any documents relating to a meeting on or around May 2002 between Mr. Vandevort and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
  - E. Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
  - F. Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
5. All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

Let me address each of these requests in order.

With regards to item 1, records surrounding the CAT, Ford received a copy of the CAT report after it was completed. The Regulatory Audit Field Director estimates that it would take approximately six weeks, with the attendant costs, to review all of the existing documents used in the preparation of the CAT report to ascertain which documents could be released under the FOIA request.

With regards to items 1, 2 and 3, the "low-risk importer" program referenced in these items is no longer in existence. No records of communication between Ford and Russell Ugone between October 2000 and April 2001 can be found.

With regards to items 4A and 4B, documents prepared for the ISA Review Board are internal working documents that are part of the deliberative process.

With regard to item 4C, neither notes nor records exist of the April 7, 2003 conversation.

With regard to item 4D, neither notes nor records exist of a meeting on or around May 2003.

With regard to item 4E, no know records exist of Ford's participation in the development of the ISA program. Ford's application to join the ISA program is on file and can be provided.

With regard to item 4F, there are no documents relating to CBP's decision to withhold action on or deny Ford's ISA application.

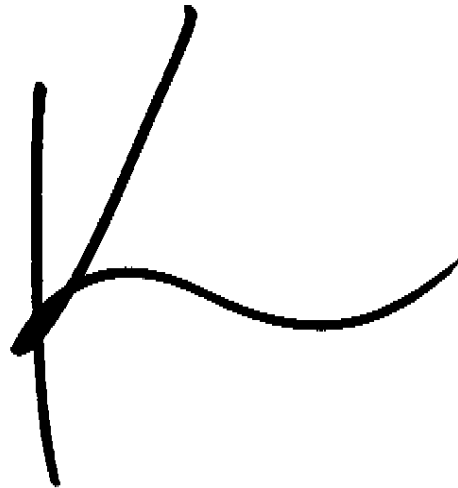
With regard to item 5, documents that exist and are under the purview of this office are addressed in the body of this response.

Sincerely,



Joseph M. Rees  
Director  
Importer Self Assessment  
Office of Strategic Trade  
U.S. Customs & Border Protection  
202/863-6065



A handwritten mark consisting of three strokes. The first stroke is a vertical line starting from the middle and extending downwards. The second stroke is a diagonal line starting from the top right and crossing the vertical line. The third stroke is a horizontal line starting from the intersection of the first two strokes and extending to the right, ending in a slight curve.

Baker Hostetler

Baker & Hostetler LLP

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5304

March 31, 2006

T 202.861.1500  
F 202.861.1783  
www.bakerlaw.com

**VIA FACSIMILE AND FIRST-CLASS MAIL**

Bruce J. Casino  
direct dial: 202.861.1640  
bcasino@bakerlaw.com

Greg Deutsch, Esquire  
OR&R, FOIA Appeals  
Policy and Litigation Branch  
U.S. Customs and Border Protection  
Department of Homeland Security  
1301 Constitution Avenue, N.W.  
Washington, D.C. 20229

Re: October 6, 2005 FOIA Requests on Behalf of Ford Motor Company

Dear Mr. Deutsch:

You forwarded to me on March 15, 2006, an undated letter from Joseph M. Rees, Director, Import Self Assessment, Office of Strategic Trade, U.S. Customs and Border Protection. While you state in your fax cover note that it was "said to have been sent 2-2-06," we did not receive the letter until you faxed it on March 15, 2006.

The request the letter addresses was made on October 6, 2005. (Actually, there were several similar requests made that day to Customs offices and my office was informed by Customs in October 2005 that Mr. Rees was coordinating Customs' response to all the requests.) On October 13, Mr. Rees and I discussed the FOIA request and I wrote to him on November 1, 2005, insisting on timely processing of Ford's request. Although I spoke with Mr. Rees on October 13, 2005, and he indicated that there were responsive documents available, to date, six months later, we have received not a single document! Ford was forced to file an Appeal on December 6, 2005, of Customs' de facto denial of our requests. Customs acknowledged receipt of the Appeal in correspondence dated January 9, 2006. As you know, I have called and spoken with you several times in the interim requesting the documents and explaining that the continued lack of response from Customs left Ford with little choice but to litigate if no documents were promptly produced.

I note in passing that Mr. Rees on page two of his letter (said to be of 2-2-06) explains that it will take six weeks (presumably from 2-2-06) to ascertain which documents should be released. It is now more than eight weeks since February 2, 2006, and still these documents have not been produced.

Greg Deutsch, Esquire  
March 31, 2006  
Page 2

On March 28, in a telephone conversation, you informed me that Customs had collected a great deal of information, including a large number of documents from Customs' offices in Detroit and Kentucky that were responsive to Ford's FOIA requests. Many of these documents have been collected in electronic form on discs. You promised that they would be expeditiously reviewed but noted that Chief Counsel at Customs has a special interest in reviewing the documents in light of ongoing litigation between Customs and Ford. I noted in our conversation and remind you again that the fact that there is ongoing litigation is irrelevant to determining the excludability of documents requested under FOIA.

This is also to request, as I did in our conversation, that, given the large number of documents involved and the great delay to date in reviewing them, the documents be provided as they are reviewed, rather than at the end of the process.

Finally, given that you alluded to newly discovered documents in our conversation, can you clarify whether the response of Mr. Rees faxed to me on March 15, 2006, referencing numerous records found not to exist and otherwise denying AAI's request still represents Customs' position?

Six months after Ford's requests, calls, and Appeal, we still have received not a single document from Customs. The delay in this matter is in violation of federal law and inexcusable. We insist that Customs' review be conducted on an expedited basis. Please call or write if you have any questions regarding this matter.

Sincerely yours,



Bruce J. Casino

BJC/bas

A handwritten mark consisting of two thick black lines. One line starts at a point near the bottom left and extends upwards and to the right. The second line starts from the same point and extends downwards and to the right, forming a shape similar to a stylized 'V' or '7'.

\*\* TX STATUS REPORT \*\*

AS OF MAY 09 2006 12:43 PAGE 01

BAKER & HOSTETLER

DATE	TIME	TO/FROM	MODE	MIN/SEC	PAGES	JOB#	STATUS
29	05/09 12:41	#1845/28727	EC--S	02'16"	011	100	UK

# Baker Hostetler

Baker & Hostetler LLP

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5204

T 202.861.1500  
F 202.861.1783  
www.bakerlaw.com

## Fax Cover Sheet

**From:** Bruce J. Casino      **Client/Matter #:** 72370-00901

**Date:** May 9, 2006

**Pages to follow:** 10      **Law #:** 4188

Recipient(s):

Name	Fax #	Phone #
GREG DEUTSCH	202-572-8727	202-572-8811

**Message:** Per your request.

If this transmission is not complete, please call the mailroom at 202-861-1565.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.

BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKERLAW.COM

FREEDOM OF INFORMATION ACT REQUEST  
CONFIDENTIAL TREATMENT REQUESTED

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United States Customs And Border Protection

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Please forward all of the requested information and any correspondence pertaining to this request, including the determination to grant or deny the request, to:

Baker & Hostetler LLP  
Attention: Bruce J. Casino  
1050 Connecticut Avenue N.W.  
Suite 1100  
Washington D.C. 20036

We would like to have a copy of the requested records made and furnished without first inspecting them, but we would be willing to discuss this with you further if inspection would expedite your response. Further, we agree on behalf of Ford to pay the fees for search and

United States Customs And Border Protection

October 6, 2005

Page 3

duplication of the requested materials; however, if you anticipate that such fees will exceed \$500, we request that you advise me of the estimated fees prior to accrual thereof.

Thank you for your prompt attention to this matter. We look forward to receiving a response within twenty (20) working days as specified under the Act. If any further information is needed in connection with this request, please contact me at 202-861-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce J. Casino", written in a cursive style.

Bruce J. Casino



**BAKER & HOSTETLER LLP**  
**EXPRESS SHIPMENT REQUEST FORM**

40  
 OS  
 X

**SENDER**

Requested By: Barbara Szczepanik Ext: 1675 Date: 10/6/05  
 Attorney Name: Bruce Casino Law #: 4188  
 Client - Matter No.: 72370-00888  Personal Charge

**RECEIVER**

Recipient's Name: Office of Chief Counsel Company: United States Customs and Border Protection  
 Street Address: 1300 Pennsylvania Avenue, N.W. Suite: \_\_\_\_\_  
(P.O. Zip Codes and P.O. Boxes address will not be delivered.)  
 City: Washington, D.C. State: \_\_\_\_\_ Zip: 20229  
 Telephone: \_\_\_\_\_  Please see the label on the envelope

**SERVICE INFORMATION**

- FedEx  UPS  DHL / Airborne  Anyone with low cost  
 Next Business Day Early ( Estimate delivery time is between 8:00 a.m. to 9:00 a.m.. Very Expensive cost. )  
 Next Business Day before Noon  Next Business Day Afternoon  
 2<sup>nd</sup> Business Day Air  3<sup>rd</sup> Business Day Air  
 Ground Service ( Estimate transit time is 2 to 5 business days, Not available for same day pick-up, Cheapest cost )  
 Saturday Delivery ( Very Expensive Cost )  
 International Express Priority  International Express Economy  
 Declared Value  No Signature Required
- ( Office Services will only accept maximum \$500.00 declared value for all Express shipments. )

**SPECIAL INSTRUCTIONS**

Request shipment tracking # for record.

Ref 4188-72370-00888 Date: 10/06/2005  
 Dep RAYMOND PERALTA Wgt: 0.1 LBS

SHIPPING: 8.6  
 SPECIAL: 1.3  
 HANDLING: 0.0  
 TOTAL: 10.0

**ONLY**

DV: 0.00  
 Svcs: PRIORITY OVERNIGHT  
 TRCK: 6601 8232 1858

Prepared by:

Tracking # :

**Note:** Pick-up cut off time for Fedex, UPS, DHL and Airborne is 6:00 p.m. ( Mon - Fri ).

OK

Report Run Date : 11/02/2005  
Report Run Time : 14:55

Tracking Number : 660182321858  
Service Type : Priority Envelope

Activity	City	State	Date	Time
Delivered	WASHINGTON	DC	10/07/05	10:39
Delivery attempt	WASHINGTON	DC	10/07/05	10:10
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	09:21
On FedEx vehicle for delivery	WASHINGTON	DC	10/07/05	08:37
Left FedEx Ramp	DULLES	VA	10/07/05	07:18
Arrived at FedEx Destination Locatio	WASHINGTON	DC	10/07/05	07:17
Arrived at FedEx Ramp	DULLES	VA	10/06/05	9:58
Left FedEx Origin Location	WASHINGTON	DC	10/06/05	9:18
Picked up by FedEx	WASHINGTON	DC	10/06/05	7:17

Delivered to : Receptionist/Front Desk  
Delivery time : 10:39AM  
Signed for by : G.VANTULL  
Delivered Address :

**BAKER**  
&  
**HOSTETLER LLP**  
COUNSELLORS AT LAW

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

October 6, 2005

BRUCE J. CASINO  
WRITER'S DIRECT DIAL NUMBER (202) 861-1640  
E-MAIL: BCASINO@BAKERLAW.COM

**FREEDOM OF INFORMATION ACT REQUEST  
CONFIDENTIAL TREATMENT REQUESTED**

**VIA FEDERAL EXPRESS**

United States Customs and Border Protection  
Office of the Commissioner  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Re: Freedom of Information Act Request on Behalf of Ford Motor Company

Dear Sir or Madam:

We are submitting this request for records and information from U.S. Customs and Border Protection (hereinafter "CBP") pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Part 103 of the U.S. Customs Regulations, 19 C.F.R. Part 103, on behalf of our client, Ford Motor Company (hereinafter "Ford"). Similar requests are being filed with the Office of Chief Counsel, and the Regulatory Audit divisions in Detroit, Fort Mitchell, Kentucky, and Washington, D.C., because we believe that some of the records and documentation sought herein will likely be found in those locations.

For the purposes of this request, the term "documents" shall refer to all documents, including memoranda, work papers, accounting worksheets, spreadsheets, reports, facsimiles, letters, notes of any kind, including but not limited to personal notes; e-mails, telexes, research, computerized or electronic records of any kind, and memorializations in any form of discussions with any other persons including, but not limited to, other CBP personnel whether in the same or a different office.

We hereby request:

- Any documents from February 2002 to the present that relate in any way to the review of Ford's application to join the Importer Self-Assessment (ISA) Program. This request includes but is not limited to:

United States Customs And Border Protection

October 6, 2005

Page 2

- Any documents relating in any way to a meeting held in February 2003---and attended by CBP's Russell Ugone, Jerri Summers, Leon Sample, Lisa Bayne, Heddie Jones, Rick Spare, Jennifer Avery, and Dathrenal Davis---to review Ford's ISA application;
  - Any documents relating in any way to an initial review of ISA application by an ISA review team based in Kentucky, and a report issued by that team to the Regulatory Audit Division on or around April 2003;
  - Any documents relating to communications between Ford and Russell Ugone during the period from February 2002 to the present, including an April 7, 2003, telephone conversation between Mr. Ugone and Ford's Paul Vandever;
  - Any documents relating to a meeting on or around May 2002 between Mr. Vandever and several Customs officials, including Customs Chief of Staff Andrew Maner and Dathrenal Davis of CBP's office in Detroit;
  - Any documents belonging or having belonged to Russell Ugone that relate to Ford's participation in the development of the ISA program and Ford's application to join the ISA program; and
  - Any documents relating to CBP's decision to withhold action on or deny Ford's ISA application.
- All documents from January 2001 to the present that in any way relate to an assessment of or otherwise comment on the nature or quality of Ford's relationship with CBP or Ford's compliance with Customs laws and/or regulations.

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United States Customs And Border Protection


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Bruce J. Casino

**BAKER & HOSTETLER LLP**  
**EXPRESS SHIPMENT REQUEST FORM**

*DoK*

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Prepared by:

Tracking #:

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