

Exhibit B



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

April 3, 2017

FOIA No.: 2017-02-235
OASIS No.: 916921

VIA ELECTRONIC MAIL: jwalter@marcellfelipe.com

John Walter
Marcell Felipe Attorneys
1001 Brickell Bay Drive
Suite 1504
Miami, FL 33131

Dear Mr. Walter:

This acknowledges receipt of your February 1, 2017 Freedom of Information Act (FOIA), 5 U.S.C. § 552, request to the Department of the Treasury, submitted on behalf of your client, AMERICA CV NETWORK, LLC, seeking the following:

Any and all information relating to bank accounts related to Juan Arrondo or Peer Music and the restrictions placed on them by the Office of Foreign Assets Control (OFAC).

Treasury referred your request to OFAC for processing on February 22, 2017.

OFAC generally processes its FOIA requests on a “first in, first out” basis. We may encounter some delay in processing your request since OFAC is experiencing a substantial backlog of FOIA requests that has adversely affected its response time. We will make every effort to comply with your request in a timely manner; however, there are currently 121 open requests ahead of yours.

In addition to seeking particular records pertaining to an entity called Peer Music, your request seeks particular records pertaining to an individual, Juan Arrondo. Please be advised that requests for records that pertain to an individual must be processed pursuant to the Privacy Act, 5 U.S.C. § 552a. *See* 5 U.S.C. § 552a(b) and the Treasury Regulations at 31 C.F.R. § 1.20.

OFAC is required by Treasury regulations (*see* 31 C.F.R. § 1.26 and 31 C.F.R. Part 1, Subpart C, Appendix A, § 8) to verify the identity of the individual listed in your request, Juan Arrondo, (i.e. the identity of the person to whom the records pertain) before it may release certain information. This verification may be established by the individual’s signature, current address, and another identifier such as a photocopy of his driver’s license or other official document bearing his signature. Alternatively, Mr. Arrondo may verify his identity by providing a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties provided in 5 U.S.C. § 552a(i)(3) for requesting or obtaining access to records under false pretenses. *See* 31 C.F.R. Part 1, Subpart C, Appendix A § 8. Also, if the requester is not the person to whom the

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records pertain, OFAC also requires written consent from the person to whom the records pertain. *See* 5 U.S.C. § 552a(b) and the Treasury regulations at 31 C.F.R. § 1.24.

Your request does not contain any of the required documentation to verify the identity of Mr. Arrondo, nor written consent from him; therefore your request fails to satisfy Treasury's regulatory requirements, and we are unable to further process the portion of your request directed at the individual you specify. Please supplement your request by providing the information required by Treasury's regulations by **May 4, 2017**. This is not a denial of your FOIA/PA request. You may provide this information to us by email to OFACFOIAOffice@treasury.gov, or via mail or facsimile to:

Office of Foreign Assets Control
U.S. Department of the Treasury
Treasury Annex – FOIA Office, 6001
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220
Facsimile: (202) 622-1657

Once we receive the ID verification and consent documentation required by our regulations, we will conduct a search for records responsive to the portion of your request relating to Mr. Arrondo. If the supplemental information is not received within the specified time, we will not be able to proceed with that portion of your request for failure to satisfy Treasury regulations. *See* 31 C.F.R. § 1.26 and 31 C.F.R. Part 1, Subpart C, Appendix A, § 8.

For fee purposes, we have determined that AMERICA CV NETWORK, LLC is a "media" requester. The FOIA, specifically 5 U.S.C. § 552(a)(4)(A), and Treasury FOIA regulations at 31 C.F.R. § 1.7, allow us to recover part of the cost of addressing your request. As a "media" requester, you will be charged the cost of duplication only, excluding charges for the first 100 pages. Duplication will be assessed at 20-cents per page.

You requested a fee waiver. We have determined that your request for a fee waiver is moot because OFAC will process our response(s) to you in electronic format, and this cost will be de minimis.

We will query the appropriate OFAC components for records responsive to the portion of your request pertaining to Peer Music. If any responsive records are located, they will be reviewed for determination on release. One of our analysts will respond to your request. We appreciate your patience as we proceed.

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

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request. Please see 31 C.F.R. § 1.6.

Please be aware that OFAC will neither confirm nor deny the existence of investigative records, pursuant to exemptions (b)(1), (b)(6), (b)(7)(A) and (b)(7)(C) of the FOIA, unless there was an actual investigation that resulted in a designation or enforcement action, or the investigation is publicized. The mere acknowledgement of an investigation could reveal classified information and thereby cause harm to our national security posture. Until an actual designation, enforcement action or public acknowledgement of an investigation by Treasury has occurred, release of any information confirming or denying the existence of an investigation could conceivably tip off the subjects of pending investigations. The mere acknowledgement of an OFAC investigation would allow the subject of the investigation the opportunity to engage in asset flight and change their habits and routines such that an enforcement action or designation would be impossible to obtain. Conversely, if OFAC were to acknowledge that it was not investigating an individual that was actually involved in criminal activity, that information alone may embolden the individual in their continued criminal activities. Lastly, the courts have determined that “the [mere] mention of an individual’s name in a law enforcement file will engender comment and speculation and carries a stigmatizing connotation.”

Your request has been assigned FOIA No.: **2017-02-235**. Please reference this number in any future correspondence. If you have any questions regarding this matter, you may email OFACFOIAOffice@treasury.gov or contact the FOIA Requester Service Center at (202) 622-2500, option 3.

Sincerely,

Sara Elizabeth Moss, Ph.D., CIPP/G
Senior FOIA Reviewer
Information Disclosure and Records Management
Office of Resource Management
Office of Foreign Assets Control