



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 23, 2018

FOIA No.: 2018-06-135
OASIS No.: 1008453

Robert J. Tochin
Berkman Law Office, LLC
111 Livingston Street
Suite 1928
Brooklyn, NY 11201

VIA ELECTRONIC MAIL: rtolchin@berkmanlaw.com

Dear Mr. Tochin:

This acknowledges receipt of your June 20, 2018 Freedom of Information Act (FOIA), 5 U.S.C. § 552, request to the Department of the Treasury, which was referred to the Office of Foreign Assets Control (OFAC) for processing on June 22, 2018. Please note that if Treasury's Office of FOIA and Transparency assigned your request to other Treasury components, the components will respond to you directly. To check the status of any such taskings, you may email FOIA and Transparency at FOIAPL@treasury.gov or call 202-622-8098.

You are seeking:

1. All documents concerning all funds, and the net proceeds from the sale of property, forfeited or paid to the United States after December 18, 2015, as a criminal penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 USC 1701 et seq.) or the Trading With the Enemy Act (50 USC App. 1 et seq.), or any related criminal conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with, or acting on behalf of, a state sponsor of terrorism.
2. All documents concerning any funds, or proceeds from sale of property, forfeited or paid to the United States after December 18, 2015, as a civil penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 USC 1701 et seq.) or the Trading With the Enemy Act (50 USC App. 1 et seq.), or any related conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.
3. All documents concerning all funds transferred to the United States Victims of State Sponsored Terrorism Fund (34 USC 20144(e)).
4. All documents concerning any funds transferred to the United States Victims of State Sponsored Terrorism Fund that are proceeds of the litigation In re 650 Fifth Avenue & Related Properties, No. 08-cv-10934 (S.D.N.Y. filed Dec.17, 2008).

Mr. Tolchin
Page 2

5. All documents concerning any funds transferred to the United States Victims of State Sponsored Terrorism Fund that are proceeds of the litigation Peterson v. Islamic Republic of Iran, No. 10-cv-4518 (S.D.N.Y.).

In a July 3, 2018 conference call with OFAC's FOIA Office, OFAC Counsel informed you that OFAC would not have records pertaining to items one, four, and five of your request but would conduct a search for records responsive to items two and three.

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 194 open requests ahead of yours.

For fee purposes, we have determined that you are an "other" 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 an "other" requester, you are entitled to the first two hours of search time and the first 100 pages of duplication of responsive records without charge. Therefore, you will be charged the full direct cost of search beyond the first two hours at the salary rate(s) (basic pay plus 16 percent) of the employee(s) making the search and duplicating responsive records [20 cents per page], beyond the first 100 pages. You stated in your request that you are willing to pay assessable fees up to \$500. You will be contacted before any additional fees are accrued.

Please be aware that OFAC will neither confirm nor deny the existence of investigative records, pursuant to exemptions (b)(1), (b)(3) and (b)(7)(A) 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. For those entities and individuals subject to the Kingpin Act [21 U.S.C. § 1904] please be aware that all records or information obtained or created pursuant to the Kingpin Act is excluded from the provisions of the FOIA (5 U.S.C. § 552(a)(3)) pursuant to 21 U.S.C. § 1904(e)(3).

Mr. Tolchin
Page 3

We will query the appropriate OFAC components for records responsive to items two and three of your request. If 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.

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. Please reference FOIA number 2018-06-135 in any future communications.

Sincerely,

Marshall H. Fields, Jr.
Assistant Director
Information Disclosure and Records Management
Office of Sanctions Support and Operations
Office of Foreign Assets Control
Department of the Treasury