

April 30, 2018

BY FACSIMILE: 202-632-7581

U.S. Department of Veterans Affairs
[FOIA Service] 810 Vermont Avenue, N.W.
(005RIC) VACO
Washington, D.C. 20420

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Veterans Affairs ("VA") regulations.

Specifically, CREW requests:

- (1) Records of any and all communications from employees of the VA with Ike (or Isaac) Perlmutter and Dr. Bruce Moskowitz, or any persons representing them or their interests between December 01, 2016 - Present;
- (2) Records of any and all communications mentioning "Ike Perlmutter", or "Isaac Perlmutter", or "Perlmutter"; "Dr. Bruce Moskowitz", or "Dr. Moskowitz", "Bruce Moskowitz", or "Moskowitz"; and "Mar-a-Lago", or "Mar a Lago", or the "Mar-a-Lago guys" between December 01, 2016 - Present.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and VA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

News reports and media mentions have indicated that Ike Perlmutter and Dr. Bruce Moskowitz have had significant roles in shaping the affairs and/or direction of critical projects of the VA throughout the tenure of the Trump Administration.¹ For example, in an April 30, 2018 report published by Politico, a “current VA official” was quoted, saying “[w]e just had to make the Mar-a-Lago guys comfortable with the deal... They have someone’s ear. Power and influence are power and influence,” referring to a project that Perlmutter and Moskowitz have had an important role in handling.²

The requested records would shed light on the role these private citizens are playing in the affairs of the VA and the extent to which agency decisions are being dictated by informal advisers to the president. Further, the requested records would show how much influence patrons of President Trump’s private club have on public policy. The public also has an interest in determining whether the operations of and communications with these private citizens is consistent with all applicable rules and guidelines.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news

¹ Jonathan Swan, *The truth about David Shulkin*, *Axios*, March 25, 2018 (available at <https://www.axios.com/david-shulkin-future-va-veterans-affairs-50b333bc-9f54-450d-aac1-5f441739a461.html>); Arthur Allen, ‘Who the hell is this person?’ Trump’s Mar-a-Lago pal stymies VA project, *Politico*, April 30, 2018 (available at <https://www.politico.com/story/2018/04/30/trump-doctor-health-technology-508297>).

² *Ibid.*, ‘Who the hell is this person?’ (available at <https://www.politico.com/story/2018/04/30/trump-doctor-health-technology-508297>).

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media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on its website, and those documents have been visited hundreds of thousands of times.

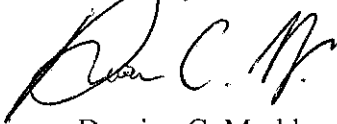
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or dmarkham@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at dmarkham@citizensforethics.org or at Damien C. Markham, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Damien C. Markham

Research Associate