

Paul Ryan

From: WBuckley@fec.gov on behalf of FOIA@fec.gov
Sent: Monday, April 27, 2009 1:57 PM
To: Paul Ryan
Cc: csalley@fec.gov
Subject: FOIA Request 2009-34
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April 27, 2009

VIA E-MAIL

Paul S. Ryan
The Campaign Legal Center
1640 Rhode Island Ave., NW, Suite 650
Washington, DC 20036
PRyan@campaignlegalcenter.org
FOIA Request 2009-34

Subject: Your Freedom of Information Act (FOIA) request to the Federal Election Commission (2009-34)

Dear Mr. Ryan,

This responds to your March 13, 2009, Freedom of Information Act (FOIA) request, for the following as it relates to MUR #5937 and its January 29, 2009 Certification:

1. "Conciliation Agreements" referenced in parts 1(e) and 2(e);
2. "First General Counsel's Report dated February 29, 2008" referenced in parts 1(e) and 2(e);
3. "General Counsel's Errata Memorandum dated March 6, 2008" referenced in parts 1(e) and 2(e);
4. "Factual and Legal Analyses" referenced in part 1(f); and
5. "Factual and Legal Analyses for Ken [sic] Gardner" referenced in part 2(f).

With respect to the request for conciliation agreements, 2 U.S.C. § 437g(a)(4)(B), prohibits the public release of information in connection with conciliation without the written consent of the respondent and the Commission. *See also* FOIA Exemption 3 (5 U.S.C. § 552(b)(3)). Thus, without the written consent of the respondent and the Commission the agency cannot provide this information.

Also, with respect to the request for the First General Counsel's Report, the General Counsel's Errata Memorandum and the Factual and Legal Analyses referenced in part 1(f) and part 2(f) of the Certification, the agency is precluded from providing this information as it deals with predecisional documents that are covered under the deliberative process privilege under FOIA Exemption 5. 5 U.S.C. § 552(b)(5).

You may appeal any adverse FOIA determination. Any such appeal must be filed in writing and should follow the guidelines set forth in 11 C.F.R. § 4.8. If you have any questions, please contact the

FOIA Service Center at FOIA@fec.gov, or (202) 694-1650.

Sincerely,

William F. Buckley, Jr., Esq.

FOIA Service Center