

Per ACUS, \$500 is too much to pay to obey the law and is in non-accordance with federal government best practices!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 3:20 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, In a recent FOIA appellate adjudication (See ACUS *FOIA case 2015-6*) made with respect to the publication of certain information in the FEDERAL REGISTER as mandated by a certain statute, an agent of the ACUS who is titled **Deputy General Counsel/FOIA Public Liaison** and named **David Pritzker** has proclaimed that the **cost of \$500 to so publish such information on a page of such FEDERAL REGISTER is too much to pay obey such statute and justifies the refusal of ACUS to publish such information.** Apparently without fear, ACUS breaks such law **in accordance with "federal government best practices"**. If such defiance and circumvention of law reflects the mind set of every Executive agency of the United States, no wonder the FEDERAL REGISTER is so severely undermined and dangerously OUTDATED!. Sincerely, Brady Eames

correction to email re: Per ACUS, \$500 is too much to pay to obey the law and is in non-accordance with federal government best practices

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 3:35 AM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, My previous email message should have read as follows: In a recent FOIA appellate adjudication (See *ACUS FOIA case 2015-6*) made with respect to the publication of certain information in the FEDERAL REGISTER as mandated by a certain statute, an agent of the ACUS who is titled **Deputy General Counsel/FOIA Public Liaison** and named **David Pritzker** has proclaimed that the **cost of \$500 to so publish such information on a page of such FEDERAL REGISTER is too much to pay obey such statute and justifies the refusal of ACUS to publish such information.** Apparently without fear, ACUS breaks such law **in accordance with "federal government best practices"**. If such defiance and circumvention of law reflects the mind set of every Executive agency of the United States, no wonder the FEDERAL REGISTER is so severely undermined and the **CODE OF FEDERAL REGULATIONS is so dangerously OUTDATED!**. Sincerely, Brady Eames

GSA's perpetual CONCEALMENT of 2014 FOIA regulations!!!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 2:12 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Referring today to the online edition of *Title 41* of the Code of Federal Regulations at <http://www.gpo.gov/fdsys/> (see <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+41&oldPath=&isCollapsed=true&selectedYearFrom=2014&ycord=1121>), it appears that **since July 1, 2014** the General Services Administration has been engaged in a perpetual **CONCEALMENT** of its **2014** version of its Freedom on Information Act regulations which in the past have been codified under "*Part 105-60-Public Availability of Agency Records and Informational Materials*". Please explain. Thank you, Brady Eames

On Monday, October 13, 2014 2:59 PM, Brady Eames <ibuncle@yahoo.com> wrote:

Dear agent of the United States, Referring today to the online edition of *Title 41* of the Code of Federal Regulations at <http://www.gpo.gov/fdsys/> (see <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+41&oldPath=&isCollapsed=true&selectedYearFrom=2014&ycord=1062>), it appears that **since July 1, 2014** the General Services Administration has been engaged in CONCEALING its **2014** version of its Freedom on Information Act regulations which in the past have been codified under "*Part 105-60-Public Availability of Agency Records and Informational Materials*". Please explain. Thank you, Brady Eames

"FOIAonline" neglects to direct public to FOIA APPELLATE regulations!!!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 4:24 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Per "FOIAonline ", **unregistered** requesters who appeal an adverse initial FOIA adjudication made by NARA are directed to "follow the **agency** instructions on how to file an appeal available on each individual agency's website ".
Why not follow NARA's codified FOIA regulations? Sincerely, Brady Eames

On Friday, November 21, 2014 6:06 AM, Joseph Scanlon <joseph.scanlon@nara.gov> wrote:

Dear Mr. Eames,

FOIAonline (<https://foiaonline.regulations.gov/>) can be found in NARA's FOIA regulations at 36 CFR 1250.24. The Office of General Counsel uses FOIAonline to process FOIA requests for operational records only. We are using the web portal as a means to grant requester's the ability to instantly track their requests and communicate with the agency through the application. Therefore the appeal process used within FOIAonline can only be used by a requester who uses FOIAonline and requests access to operational records at NARA. Should you ever submit a FOIA request for accessioned records you would not see the language about FOIAonline in NARA's responding letters.

As far as who is responsible for FOIAonline, I copied this from the website:

FOIAonline is a FOIA tracking and processing tool for the following Agencies and Offices:

- *Department of Commerce (except the US Patent and Trademark Office),*
- *Environmental Protection Agency,*
- *U.S. Customs and Border Protection,*
- *Federal Labor Relations Authority,*
- *Merit Systems Protection Board,*
- *National Archives and Records Administration - Office of General Counsel,*
- *Pension Benefit Guaranty Corporation.*

Additions as of February 1, 2014:

- *Department of the Navy (including Navy and Marine Corps).*

Additions as of October 1, 2014:

- *General Services Administration.*
- *Small Business Administration.*

Addition as of October 15, 2014:

- *U.S. Citizenship and Immigration Services (Only accepting requests for records that DO NOT contain Personally Identifiable Information (PII). Requests for records containing PII must be submitted directly with USCIS using the methods described on our How to File a FOIA/PA Request page.)*

Guest users may:

- *Search for previously released records;*
- *Generate reports; and*
- *Receive records electronically if you provide an email address.*

Registered users may, in addition to the above:

- *Track progress on all of your requests submitted through FOIAonline via a personal dashboard;*
- *Communicate directly with the agency at all points in the process;*
- *Have your contact information pre-populated in future requests;*
- *Receive notification when the status of your request has changed.*

I hope that I have answered your questions.

Kind regards,

--

Joseph A. Scanlon
FOIA & Privacy Act Officer
National Archives and Records Administration
Office of General Counsel
(301) 837-0583

On Thu, Nov 20, 2014 at 9:14 PM, Brady Eames <ibuncle@yahoo.com> wrote:

Dear agents of the United States, Suddenly, as of today, an agent of the NARA named Joseph Scanlon is informing me in certain initial FOIA adjudications (see NGC15-015, NGC15-016 and NGC15-019) to "**please follow the instructions in FOIAonline to appeal any decisions**". No other guidance is provided to me with respect to "FOIAonline ". Accordingly, I do not know what "FOIAonline " is or who is responsible for "FOIAonline ". Referring to 36 CFR 1250.72 and 1250.74 (see 79 FR 56511-56512 of September 22, 2014, effective October 22, 2014), I find no reference to such "FOIAonline " or any direction to seek any other source with respect to properly appealing an adverse FOIA adjudication made by the NARA in order to establish the exhaustion of administrative FOIA remedies. Please explain. Thank you, Brady Eames

GSA establishes SEVEN (7) cases of constructive exhaustion of FOIA administrative remedies!!!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 5:31 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, As of today, the GSA has **neglected or refused** to adjudicate **SEVEN (7) FOIA Requests** which I have duly submitted and thereby established **SEVEN (7) cases of constructive exhaustion of FOIA administrative remedies !!!** Pleas explain. Thank you, Brady Eames

Is NARA GC Gary M. Stern really responsible for electronic FOIA appellate adjudications?!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 5:59 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, According to information published on "FOIAonline ", it appears the **NARA's General Counsel Gary M. Stern** may be accountable for electronic **FOIA appellate adjudications**. Please confirm. Thank you, Brady Eames

Is "FOIAonline" a legal "agency" and "appropriate component/office" under FOIA law and regulation?!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 8:34 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, With respect to the start of the running of the 20-Federal-working-day statute of limitations or constructive exhaustion of administrative remedies, shall the third party **NON-FEDERAL GOVERNMENT ENTITY** called "FOIAonline " (**Booze Allen Hamilton**) be considered the LEGAL "agency " and "**appropriate component/office**" for receiving FOIA requests under *5 USC 552(a)(6)(A)(i)* and *36 CFR 1250.26(f)* and for the receiving of FOIA appeals under *5 USC 552(a)(6)(A)(ii)* and *36 CFR 1250.74(a)?!*

Is "FOIAonline" a legal "agency" and "appropriate component/office" under FOIA law and GSA regulation?!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 8:56 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, With respect to the start of the running of the 20-Federal-working-day statute of limitations or constructive exhaustion of administrative remedies, shall the third party **NON-FEDERAL GOVERNMENT ENTITY** called "FOIAonline " (**Booze Allen Hamilton**) be considered the LEGAL "agency " and "**appropriate component/office**" for receiving FOIA requests under *5 USC 552(a)(6)(A)(i)* and *41 CFR 105-60.402-1 and 402-2(a)* and for the receiving of FOIA appeals under *5 USC 552(a)(6)(A)(ii)* and *41 CFR 105-60.403(a)-(c)?!* Sincerely, Brady Eames

Is "FOIAonline" a legal "agency" and "appropriate component/office" under FOIA law and FLRA regulation?!

Brady Eames <ibuncle@yahoo.com>

Nov 21, 2014 9:08 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, With respect to the start of the running of the 20-Federal-working-day statute of limitations or constructive exhaustion of administrative remedies, shall the third party **NON-FEDERAL GOVERNMENT ENTITY** called "FOIAonline " (**Booze Allen Hamilton**) be considered the LEGAL "agency " and "**appropriate component/office**" for receiving FOIA requests under *5 USC 552(a)(6)(A)(i)* and *5 CFR 2411.8(a)-(c)* and for the receiving of FOIA appeals under *5 USC 552(a)(6)(A)(ii)* and *5 CFR 2411.10(a)(2)?!* Sincerely, Brady Eames