

March 12, 2007

Ms. Marilyn L. Glynn
General Counsel
Office of Government Ethics, Suite 500
1201 New York Avenue, N.W.
Washington, D.C. 20005-3917

RE: FOIA Appeal

Dear Ms. Glynn:

Thank you for your letter, dated February 12 (see Attachment A), that responded to POGO's January 17, 2007 Freedom of Information Act (FOIA) request (see Attachment B). This letter appeals OGE's non-responsive finding and provides the following information so that another search can be conducted.

I was perplexed that you can no longer find any copies of Mr. Mineta's calendar year 2000 disclosures. Mr. Jerry Werner, with whom POGO has been working since the fall of 2006, contacted Ms. Denise Shelton on February 23, 2007. I understand that Ms. Shelton told Mr. Werner that she keeps a log of which old (more than six years from receipt) reports she destroys, and said that she had no record of ever destroying Mr. Mineta's calendar year 2000 report. Further, she told Mr. Werner that the calendar year 2000 report was not anywhere "in the system." It appears to have disappeared.

This is all the more perplexing because last October 24, Mr. Werner received a copy of Mr. Mineta's calendar year 2000 request. I believe that the version Ms. Shelton sent him was an amended version, because the date on it was April 19, 2002. Hence, we assumed that the report that she sent Mr. Werner (see Attachment C) was an amended version, and we therefore wanted to get copies of Mr. Mineta's initial and/or earlier calendar year 2000 filings.

Since the most recent version of that cy2000 report was sent to OGE in April 2002, it should not have been destroyed (by your own stated special access procedures) until April 2008, more than a year from now.


To help us sort out this situation, I request the following information from the OGE:

1. Copies of Ms. Shelton's log book from the past six months, showing which financial disclosures had been destroyed during that period. (That log will presumably show, as she indicated, that she destroyed Mr. Mineta's New Entrant disclosure that was more than six years old but that she did not destroy his calendar year 2000 report.)
2. An explanation as to how Ms. Shelton could find no record at all of Mr. Mineta's calendar year 2000 disclosure, especially since Mr. Werner

received a copy of the latest version of it last fall (see Attachment C).

Please contact me if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Scott H. Amey". The signature is written in a cursive style with a long, sweeping underline.

Scott H. Amey
General Counsel
scott@pogo.org

enclosures