



# Homeland Security

June 26, 2008

Mr. Scott H. Amey  
General Counsel  
Project on Government Oversight (POGO)  
666 Eleventh Street, NW, Suite 500  
Washington, DC 20001-4542

Re: **DHS/OS/PRIV 07-1095/Amey**

Dear Mr. Amey:

This letter is in further response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 24, 2007, and seeking the following records:

- 1) A copy of any conflict of interest policy governing employment and post-employment practices as they pertain to Deputy Secretary Michael P. Jackson and Deputy Director of the Office of Intelligence and Analysis Jack Tomarchio;
- 2) All records of communications to/from Jackson and Tomarchio and Traffic.com or its parent company and phone logs, calendars, memos, etc.;
- 3) All records of Jackson or Tomarchio regarding recusal or disqualification from any communications or dealings with Traffic.com or its parent company;
- 4) A copy of any opinion and/or waiver provided by the DHS Office of the General Counsel (OGC) or any DHS ethics office setting out the Department's approval, partial approval, or disapproval of Jackson and Tomarchio's communications or dealings with Traffic.com or its parent company;
- 5) Copies of Jackson and Tomarchio's appointment calendars from the inception of their employment with DHS to the present; and
- 6) Copies of Jackson and Tomarchio's phone logs registering calls to and from Traffic.com or its parent company, to include calls placed or received by their staff, including:
  - a. Mr. Mark A. Holman
  - b. Ms. Ashley Davis
  - c. Ms. Melissa Foxman
  - d. Mr. C.J. Zane
  - e. Mr. David Jannetta
  - f. Mr. Mark DeNino
  - g. Mr. Christopher Rothey
  - h. Mr. John Collins
  - i. Mr. Harry Voccola
  - j. Mr. Robert Denaro

The December 19, 2007, final response from the Privacy Office advised you that we searched the DHS Executive Secretariat and the office of the Designated Agency Ethics Authority (DAEO) for records responsive to Items 2, 5, and 6 of your request and that no responsive records were located. To clarify, the office of the DAEO was also searched for records responsive to Items 1, 3, and 4, and no responsive records were located.

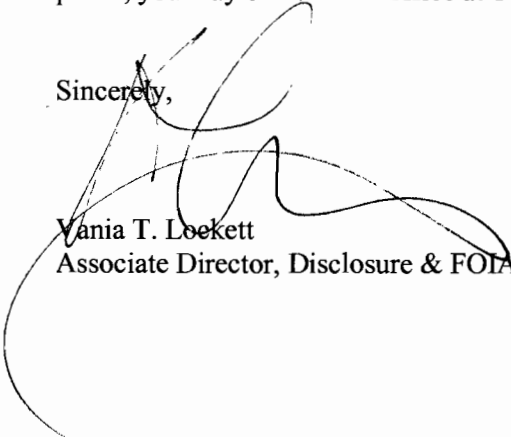
Further, our December 19, 2007, response advised you that your request was referred to the Office of the General Counsel (OGC) for processing, as it relates to Items 1, 3, and 4. This letter is to advise you that the search for records within the OGC is complete, and no responsive records were located.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the OGC that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. Therefore, your request for a fee waiver is moot.

Should you have any questions regarding this response, you may contact this office at 1-866-431-0486 or 703-235-0790.

Sincerely,



Vania T. Lockett  
Associate Director, Disclosure & FOIA Operations