



FEB 18 2010

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Legislative and  
Public Affairs

Freedom of  
Information

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20737-1232

Gregory M. Dennis, Esq.  
Kent T. Perry & Company, L.C.  
7300 W. 110<sup>th</sup> Street, Suite 260  
Overland Park, Kansas 66210

Dear Mr. Dennis:

This is our final response to your December 7, 2009 and February 1, 2010, Freedom of Information Act (FOIA) request for any and all records both electronic and paper documents generated since January 1, 2009, involving inspections at the City of Topeka, Kansas a/k/a Zoological Park. Specifically, you seek: all correspondence, meetings, calendars, emails, notes, diaries involving City of Topeka employees, USDA employees, Shirley Llizo, Kansas State University, College of Veterinary Medicine, including any all records provided to The Topeka Capital-Journal, The Associate Press (AP), and all other media organizations and/or affiliates listed in your request. Your request was received in this office on December 10, 2009, and assigned case number 10-133.

By correspondence dated January 21, 2010, we provided you eight pages responsive to your request. As stated in our January 21, 2010, letter, we extended our search to the Agency's Investigative and Enforcement Services (IES) Branch. IES conducted located 94 pages relative to your request. However, we are enclosing 20 pages in part. Information has been withheld under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. This same information has also been withheld under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information compiled for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We are withholding 40 pages in full under Exemption (7)(A), 5 U.S.C. § 552(b)(7)(A). Exemption 7(A) permits the Government to withhold information that could reasonably be expected to interfere with law enforcement proceedings regarding the City of Topeka. We are unable to determine when the proceedings will be completed; however, you may submit a new request in the future. If you still desire these records, please reference case #KS09033 in your request.

Also, the remaining 34 pages pre-dated the requested timeframe and are unresponsive. Therefore, they are not enclosed. We do not consider our withholding of these pages as a denial of your request. With regard to your February 1, 2010, we found no records about Ms. Shirley Yeo Llizo. If you have not already done so, we suggest you contact the City of Topeka for records concerning state government employees.

Gregory M. Dennis, Esq.  
FOIA 10-133

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You may appeal our partial denial and no records determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of the final letter. Send to:

Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, D.C. 20250-3401

Please refer to FOIA 10-133 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

Should you have questions, please contact the FOIA staff at (301) 734-8296.

Thank you for your patience.

Sincerely,



*ja* Celeste Camp  
Acting Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures