



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL
Washington, D.C. 20250

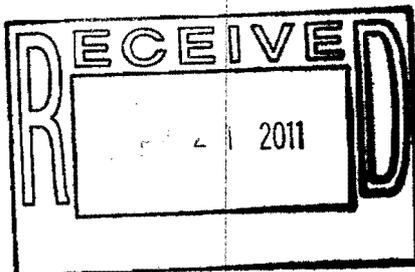


797 - 432

*Robbie
Referral
No Search*

APR 14 2011

Mr. Bill Smith
Main Line Animal Rescue
PMB #191
303 West Lancaster Avenue
Wayne, Pennsylvania 19087



Subject: Log No. 11-00074

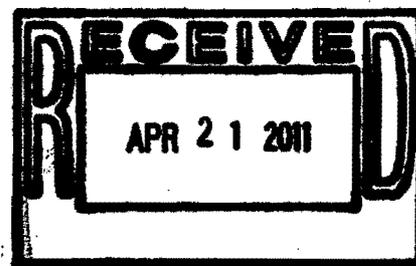
Dear Mr. Smith:

This letter responds to your December 27, 2010, Freedom of Information Act (FOIA)¹ request, which was referred by the Animal and Plant Health Inspection Service (APHIS) to the Office of Inspector General (OIG) at the Department of Agriculture (USDA) on March 21, 2011. You requested the following records relating to Audit Report 33002-4-SF:

1. The name of the facility in Oklahoma referred to on pages 10-11 of the report; the name of the AC who inspected this facility; copies of any disciplinary actions taken against the Animal Care Inspector (AC) by APHIS; any correspondence between the AC and his/her regional supervisor regarding this matter as well as any respective explanation; and length of time this AC has been an inspector with the USDA.
2. The name of the facility in Oklahoma referred to on page 12 of the report; the name of the AC who inspected this facility; copies of any disciplinary actions taken against the AC; any correspondence between the AC and his/her regional supervisor regarding this kennel as well as any respective explanation; and length of time this AC has been an inspector with the USDA.
3. The name of the facility in Ohio referred to on pages 12-13 of the report (Example 3); the name of the AC who inspected this facility; copies of any disciplinary actions against the AC; any correspondence between the AC and his/her regional supervisor regarding this kennel as well as any respective explanation; length of time this AC has been employed by APHIS; and length of time he/she has been inspecting federally licensed facilities.
4. The name of the facility in Oklahoma mentioned on page 13 of the report inspected in November of 2007; the name of the AC who inspected this facility; copies of any disciplinary actions against the AC; any correspondence between the AC and his/her regional supervisor regarding this kennel as well as any respective explanation; length of time this the AC has been employed by APHIS; and length of time he/she has been inspecting federally licensed facilities.

¹ 5 U.S.C. § 552.

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Mr. Bill Smith

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5. The name of the facility in Oklahoma (Example 1) mentioned on page 18 of the report; copies of any disciplinary actions against the AC; any correspondence between the AC and his/her regional supervisor regarding this kennel as well as any respective explanation; length of time this AC has been employed by APHIS; length of time he/she has been inspecting federally licensed facilities.
6. The name of the broker facility mentioned on page 19 (Example 2) of the report; the name of the AC who inspected this facility and her supervisor; length of time these individuals have been with APHIS; copies of any correspondence relating to this incident, including internal memoranda or any respective explanations; copies of any disciplinary actions against the AC and supervisor. You asked the following two questions: "Why this facility is licensed as a broker if they have 525 adult dogs," and "Is this a breeding facility?"
7. The name of the facility in Arkansas (Example 3) on page 20 of the report; the name of the AC who inspected this facility; copies of any disciplinary actions against the AC; any correspondence relating to this incident as well as any other paperwork regarding this particular kennel; and length of time this AC has been an inspector with the USDA.

We are releasing one page of responsive documents.

Pursuant to FOIA, certain information has been withheld as it is exempt from release. We withheld 67 pages of documents pursuant to 5 U.S.C. § 552(b)(6), and (b)(7)(F). In accordance with 5 U.S.C. § 552(b)(6), the names, signatures, initials, and other identifying information of individuals or small businesses were withheld because release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Similarly, information which "could reasonably be expected to endanger the life or physical safety" of individuals was withheld pursuant to 5 U.S.C. § 552(b)(7)(F). We withheld 32 pages of documents under 5 U.S.C. § 552(b)(6), (b)(5) and (b)(7)(F). Content pertaining to deliberative processes was withheld under 5 U.S.C. § 552(b)(5).

Regarding the two questions posited in Item #7, FOIA is a document release statute which requires the Government to release documents to the public upon request, subject to certain exemptions. FOIA does not require Federal agencies to conduct research, respond to questions, or to "create" information, however. Document requests regarding licensing questions should be directed to APHIS.

Regarding your request pertaining to disciplinary records, OIG does not have any records responsive to this portion of your request.

Additionally, we determined that 24 pages in this file originated with USDA's APHIS. Under FOIA, the agency that created the record is responsible for processing. Therefore, we have referred these pages to APHIS for processing and direct response to you.

Mr. Bill Smith

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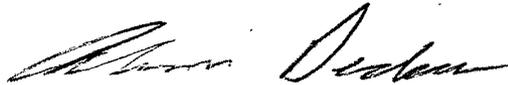
For your followup purposes the contact information is:

Ms. Tonya Woods, FOIA/PA Officer Phone: (202) 720-1598
USDA, Animal & Plant Health Inspection Service Fax: (202) 690-2828
4700 River Road – Unit 50
Riverdale, MD 20737

You have the right to appeal the decision by OIG to withhold information by writing to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Whitten Building, Suite 441-E, Washington, D.C. 20250-2308. Your appeal must be received within 45 days of the date of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

For information about OIG, please refer to our Web site at www.usda.gov/oig/home.htm. Should you have any questions or need additional information, you may contact our FOIA Servicing Center at (202) 720-5677.

Sincerely,



Alison Decker
Assistant Counsel

Enclosures: Exemptions list/document

cc: (w/incoming & referral pages)
Ms. Tonya Woods, FOIA/PA Officer, APHIS