



United States  
Department of  
Agriculture

August 18, 2011

Animal and  
Plant Health  
Inspection  
Service

Thomas Rowell  
University of Lafayette  
New Iberia Research Center  
4401 West Admiral Doyle Drive  
New Iberia, Louisiana 70560

Legislative and  
Public Affairs

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

Dear Mr. Rowell:

This is in response to your July 21, 2011, Freedom of Information Act (FOIA) request for Investigative Enforcement Services (IES) investigation file LA11009-AC of Kenneth Hoover. Your request was received in this office on July 21, 2011, and assigned case number FOIA 11-661.

Agency employees conducted a thorough search of their files and located an open IES investigation. However, we are withholding records that are part of the open IES case LA11009-AC, that may be responsive to your request under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities. Since Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies. If you wish, you may request IES case LA11009-AC at a later date.

The agency considered whether to make a discretionary release of these documents and determined that releasing this information would harm the agency's open investigation. We have concluded that disclosing documents that are part of an open investigation by APHIS' Investigative and Enforcement Services would harm the agency's interest in effectively enforcing APHIS-administered statutes. In this case, release of investigative information could harm the integrity of the agency's investigative and enforcement process, or provide individuals involved an opportunity to fabricate defenses, change the version of events, and alter and destroy evidence. For these reasons stated above, we have determined that these documents cannot be discretionarily released.

You may appeal our full denial of this information. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter to:

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



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

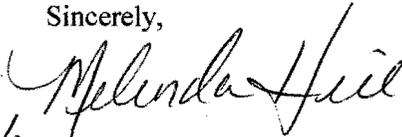
Thomas Rowell  
FOIA 11-661

Page 2

Please refer to FOIA 11-661 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.

Because the cost to process your request is less than \$25.00, the fee has been waived. If you have any questions, please contact Ms. Deborah L. Leilich of my staff at (301) 734-3623.

Sincerely,



 Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs