



United States
Department of
Agriculture

January 14, 2011

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Mr. Larry Perry, Esq.
11464 Saga Lane
Suite 500
Knoxville, TN 37931-2819

Legislative and
Public Affairs

Dear Mr. Perry:

Freedom of
Information

This is in response to your December 28, 2010, Freedom of Information Act (FOIA) request for all documents that date back to 2005 and that relate to Lee Marvin Greenly, Minnesota Wildlife Connection (License #41-C-0122). Your request was received in this office on December 28, 2010, and assigned case number FOIA 11-155.

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Agency employees conducted a thorough search of their files and located two ongoing Investigative and Enforcement Services (IES) investigations concerning Lee Marvin Greenly (Case Id. MN06093 and MN09070) which are responsive to your request. The case files include 259 pages of responsive records, and 12 videos. The records and videos have been reviewed under the provisions of the FOIA. However, as a result of the investigations still being opened, 189 pages of records and 12 videos responsive are being withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(7)(A) of the FOIA. The government is permitted to withhold records compiled for law enforcement purposes when their release could interfere with pending or ongoing enforcement proceedings. Moreover, we are unable to determine when the proceedings will be completed. At a later date, you may submit a new FOIA request concerning the investigations of Lee Marvin Greenly.

As for the remaining 70 pages, personal information such as signatures and social security numbers have 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.

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

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



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Larry Perry, Esq.
FOIA 11-155

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Please refer to FOIA 11-155 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. Tempie Johnson of my staff at (301) 734-0797.

Sincerely,



For: Tonya G. Woods
Director

Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosure