



United States
Department of
Agriculture

February 17, 2011

Marketing and
Regulatory
Programs

Heather Killgore

Animal and
Plant Health
Inspection
Service

Dear Ms. Killgore:

Legislative and
Public Affairs

This is in response to your January 21, 2011, Freedom of Information Act (FOIA) request for records for all documents that contain information or name the individual, James P. Marek, also known as Jim Marek, of White Bird, Idaho. Your request was received in this office on January 21, 2011, and assigned case number FOIA 11-209.

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Agency employees conducted a thorough search of their files and located an ongoing Investigative and Enforcement Services (IES) investigation concerning James P. Marek (Case Id. ID09015) which is responsive to your request. The case file includes 341 pages of responsive records.

As a result of the investigation still being open, the entire case file is being withheld in its 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 investigation of James P. Marek.

You may appeal our full 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

Please refer to FOIA 11-209 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.

If you have any questions, please contact Ms. Kacie Edwards of my staff at (301) 734-5385.

Sincerely,

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



Safeguarding American Agriculture
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