



United States
Department of
Agriculture

February 8, 2011

Marketing and
Regulatory
Programs

Mr. Michael McGinn
Kelley, Dry & Warren, LLP
3050 K. Street, Suite 400
Washington, Dc 20007-5108

Animal and
Plant Health
Inspection
Service

Dear Mr. McGinn:

Legislative and
Public Affairs

This is in response to your December 13, 2010, FOIA request, which was received in this office on December 13, 2010 and assigned case number FOIA 11-125. You sought the following information:

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

1. All records of communications between APHIS personnel and the following individuals: Mary Ann Smith (Alderman, Chicago Ward 48) and/or Ward 48 or city council staff members, Cherie Travis (Executive Director, Chicago, Animal Care and Control), Mark Rosenthal (former Operations Manager, Commission on Animal Care and Control), any other employee of the Commission of Animal Care and Control; Sandra Brode, Chicago Police Department;
2. All records of communications between APHIS personnel and the following individuals: Margaret Whittaker (Active Environments) and Debbie Leahy (People for the Ethical Treatment of Animals); and
3. Records related to travel to Chicago, Illinois during October and November 2010 by APHIS personnel, including Dr. Sofranko, Dr. Thompson, and Dr. Howard.

Agency employees conducted a thorough search of their files and located 952 pages responsive to your request. On the enclosed CD-ROM, we are providing 63 pages of inspection reports, applications for license, certificates, and travel information. However, portions of the records have been withheld pursuant 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. The same information has been withheld pursuant to 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 withheld the third party signatures, personal addresses, and social security numbers.

Please be advised, records you have requested are involved in an ongoing investigation, therefore, we are withholding 889 pages and 4 DVD's pursuant to 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. Because 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 file another FOIA request at a later date.



Safeguarding American Agriculture

APHIS is an agency of USDA's Marketing and Regulatory Programs
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Mr. Michael McGinn
FOIA 11-125

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You may appeal our partial 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 at the following address:

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

If you choose to appeal, please refer to FOIA 11-125 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.

Also contained on the CD-ROM is rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ that is required to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After installation, the Adobe Reader should render the PDF files correctly.

Because the cost to process your request was less than the \$25.00 threshold, all fees have been waived. If you have any questions, please do not hesitate to contact Melinda Hill of my staff at (301) 734-5974.

Sincerely,



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

Enclosure