

Baker, Katie

FOIA-2017-00223

**From:** Sullivan, Eileen <ESullivan@ap.org>  
**Sent:** Monday, December 05, 2016 5:29 PM  
**To:** Sullivan, Eileen  
**Subject:** AP 12/5/16 FOIA request

Federal Trade Commission  
Received

DEC 06 2016

FOIA BRANCH  
GENERAL COUNSEL

Freedom of Information Act request  
Expedited processing requested

Dec. 5, 2015

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of:

- All emails sent to or sent from your agency employees in which the Internet domains "trump.com", "trumporg.com", "ptt.gov", "donaldjtrump.com" or "donaldtrump.com" are in email addresses in the To, From, CC, BCC, Subject or Body fields of the message.
- The time frame for this request is June 3, 2016 through today, Dec. 5, 2016.

This request covers emails and email attachments, including but not limited to Portable Document Files, Microsoft PowerPoint slides and Microsoft Excel spreadsheets.

If possible, I request that these files be provided to me in electronic format.

I certify to be true and correct to the best of my knowledge and belief that I am a credentialed reporter employed by The Associated Press. **Because this is a request by a member of the news media for records made in the public interest, I ask that you waive any search fees in accordance with § 552(a)(4)(A)(ii)(II).**

If the fee for retrieving or reproducing these records will exceed \$50, please notify me before filling this request. I can be reached at (202) 641-9595 or by electronic mail at [esullivan@ap.org](mailto:esullivan@ap.org).

**I also request expedited processing for this request under 32 CFR 299.5 (f)(2).**

My request for expedited processing meets criteria for demonstrating a "compelling need" for the following reasons that I certify to be true and correct to the best of my knowledge:

One, I am a credentialed member of the news media employed by The Associated Press who is primarily engaged in disseminating information.

Two, the records I am seeking are "urgently needed" to inform the public about an actual government activity in that the value of the information I am seeking will be lost if it is not released before the inauguration of President-elect Donald Trump in January 2017. Federal FOIA law and regulations afford expedited processing to those who demonstrate "an urgency to inform the public about an actual or alleged federal government activity." My request should also generally be read in light of the holdings in *Al-Fayed*.

This request qualifies for expedited processing because it goes beyond “the public’s right to know about government activity generally” and instead seeks to provide urgent information of “actual government activity” to the American people about how the new administration is conducting itself during the transition of power from the Obama administration to the Trump Administration.

The public has an urgent need to know if the incoming administration is proactively working to understand the agencies that they will soon have the responsibility of directing. The public also needs to know about any proposed changes or discussions of changes that are ongoing in this transition period while their representatives in Congress can question and investigate the people who President-elect Trump has decided to appoint to cabinet positions.

The Associated Press, as the largest news wire service in the world with more than 1 billion readers, takes its duty to inform American citizens very seriously. The hard deadline of the inauguration elevates the importance of these records as does the type of government activity they involve. These records concern the important interaction between the individuals that President-elect Trump has designated to work with key executive branch agencies. The public has a need to know about those interactions in order to judge whether a Constitutional transition is occurring between the outgoing administration and the incoming one and whether the incoming administration is taking its responsibility seriously.

For these reasons, I respectfully request that these records be released on an expedited schedule. **As you know, you must make a determination about my request for expedited processing within 10 calendars days of receipt of this request.**

As you know, agencies must redact only what is necessary to protect exempt information and must explain the basis for any redactions. See *Georgacarakos v. FBI*, 908 F.Supp.2d 176, 186 (D.D.C. 2012). As well, please provide documents to me on a rolling basis, rather than waiting for my entire request to be processed before releasing documents.

As a reminder, the president has directed that the FOIA “be administered with a clear presumption: In the face of doubt, openness prevails.” Memorandum for the Heads of Executive Dep’ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009), emphasis added. This instruction is unambiguous: “All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the FOIA, and to usher in a new era of open government. The presumption of disclosure should be applied to all decisions involving the FOIA.” *Id.*

The Act, in § 552(a)(6), grants your office no more than twenty working days in which to respond to this request. See also *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) (“Congress adopted the time limit provision in the FOIA in order to ‘contribute to the fuller and faster release of information, which is the basic objective of the Act.’” (quoting H.R. Rep. No. 93-876, March 5, 1974, reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)).

I certify that the information provided above is true and correct to the best of my knowledge and belief.

Thank you for your assistance. I look forward to your prompt reply. My contact information is below.

Sincerely,

Eileen Sullivan  
Reporter  
Associated Press  
1100 13th St. NW  
5th Floor  
Washington, DC 20005  
W 202-641-9595  
C 202-997-7624  
Fax: 202-263-8827  
E-mail: [esullivan@ap.org](mailto:esullivan@ap.org)  
<http://www.linkedin.com/in/eileenasullivan>  
[Http://twitter.com/esullivanap](http://twitter.com/esullivanap)



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

DEC 29 2016

Eileen Sullivan  
Associated Press  
1100 13th Street, NW, 5th Floor  
Washington, DC 20005

Re: FOIA-2017-00223  
FTC Emails with Trump PETT

Dear Ms. Sullivan:

This is in response to your request dated December 5, 2016 under the Freedom of Information Act seeking, for the time frame June 3, 2016 through December 5, 2016, access to all emails sent to or sent from Federal Trade Commission points of contact with the President-elect Transition Team, in which the internet domains trump.com, trumporg.com, ptt.gov, donaldjtrump.com or donaldtrump.com are in email addresses in the To, From, CC, BCC, Subject or Body fields of the message. In accordance with the FOIA and agency policy, we have searched our records, as of December 6, 2016, the date we received your request in our FOIA office.

We have located approximately seven (7) pages of responsive records. You are granted full access to the responsive records, which are enclosed.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at [rgold@ftc.gov](mailto:rgold@ftc.gov); or from the Office of Government Information Services via email at [ogis@nara.gov](mailto:ogis@nara.gov), via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Jacqueline Lightle at 202-326-3737.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Mackey".

Sarah D. Mackey  
Associate General Counsel

Encl: CD

**From:** [Mackey, Sarah D.](#)  
**To:** [Lightle, Jacqueline](#)  
**Subject:** FW: Alex Pollock: Transition Docs  
**Date:** Thursday, December 15, 2016 4:39:37 PM  
**Attachments:** [Acknowledgment of Requirements - Pollock, Alexander.pdf](#)  
[Code of Ethical Conduct - Pollock, Alexander.pdf](#)

---

**From:** Michael Friedman [mailto:michael.friedman@ptt.gov]  
**Sent:** Wednesday, November 30, 2016 3:46 PM  
**To:** Mackey, Sarah D.  
**Cc:** Alex Pollock; Bak, Patricia  
**Subject:** Alex Pollock: Transition Docs

Hi Sarah,

Alex informed me that the FTC would like a copy of his required legal forms that were submitted to the White House by the Transition Team. Please find them attached.

Please also let me know if you need any additional information.

Regards,

Mike Friedman

Acknowledgment of Requirements

**Pursuant to Memorandum of Understanding Regarding Transition Procedures,  
Identification of Transition Contacts, and Access to Non-public Government and  
Transition Information**

I, Alex J. Pollock certify that I am authorized by the Chair of the President-Elect's Transition Team (PETT) to work with the Administration on transition-related matters.

I understand the provisions of the Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information signed on November 15, 2016 (MOU), which states, among other things, that:

- a. In order to receive non-public information from the Administration, I must be briefed on the importance of maintaining the constitutional, statutory and/or common law safeguards afforded such non-public information.
- b. In order to receive classified information from the Administration, it must be established that I have the requisite security clearances and the requisite need to know, and I must sign the requisite non-disclosure agreement.
- c. Where advisable, I may be prohibited from removing records containing non-public information from the relevant office, department, or agency.
- d. I may not share non-public information with anyone who is not a member of the Transition Team.
- e. I may not share non-public information with other Transition Team personnel unless those other personnel satisfy the requirements for access set forth in the MOU.

I have met the applicable public disclosure requirements of the Presidential Transition Act, as amended.

I have no conflict of interest that precludes me from working on the matters I have been assigned to work on with the Administration.

I have signed and agreed to abide by the Transition's Code of Ethical Conduct.

Individual's Signature:

Alex J. Pollock

Date:

11/21/16

## **PRESIDENT-ELECT'S TRANSITION TEAM CODE OF ETHICAL CONDUCT**

As a condition of being permitted to serve as a member of the President-Elect's Transition Team ("PETT"), I agree to abide by the following requirements:

1. I will disqualify myself from involvement in any particular transition matter which to my knowledge may directly conflict with a financial interest of mine, my spouse, minor child, partner, client or other individual or organization with which I have a business or close personal relationship. Where there is no such direct conflict, but there may be an appearance of a conflict, I will address this issue for resolution to the PETT General Counsel. I currently have no knowledge of any such conflicts.
  2. I will disqualify myself from involvement in any particular transition matter if I have engaged in regulated lobbying activities with respect to such matter, as defined by the Lobbying Disclosure Act, within the previous 12 months.
  3. I will not accept or solicit any money or thing of value in exchange for a promise to support or use influence on behalf of any person who is a potential candidate for any appointive office or place in the United States Government or advocate for or advance any policy or action.
  4. I understand that in my transition-related activities, unless given specific authorization, I am not permitted to make any representation on behalf of President-elect Donald J. Trump, his designees, or any official of the transition.
  5. I understand that authorization is required from the transition Chairman, Executive Director, or a designee of one of them before seeking, on behalf of the transition, access to any non-public information.
  6. I will keep confidential any non-public information provided to me in the course of my duties with the transition and will use such information exclusively for purposes of the transition.
  7. I will not use or permit to be used any non-public information provided to me in the course of my duties with the transition, in any manner, for any private gain for myself or any other party, at any time during or after the transition.
  8. During my service with the PETT, I will not, on behalf of any person or entity, engage in regulated lobbying activities, as defined by the Lobbying Disclosure Act, with or before any federal department or agency with respect to a particular matter for which I have direct and substantial responsibility as part of the PETT.
  9. For 6 months after I leave, I will not on behalf of any other person or entity, engage in regulated lobbying activities, as defined by the Lobbying Disclosure Act, with respect to a particular matter for which I had direct and substantial responsibility during my service with PETT.
-

10. I will conserve and protect any federal property entrusted to me and shall not use such property, including equipment and supplies, other than for purposes directly related to transition activities.

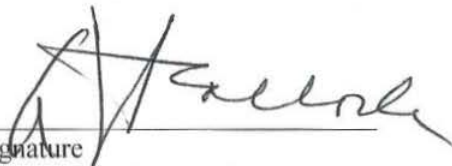
11. I understand that my commitment to abide by these requirements may be made public and that this document will be made available to any department or agency to which I may be assigned. I will seek guidance from the PETT General Counsel, or the designated agency ethics official, as appropriate, to ensure compliance with these standards of conduct. I furthermore acknowledge that failure to comply with the above provisions may result in my dismissal from the transition and that other sanctions may be imposed as appropriate.

12. I and my immediate family members will not accept a gift from:

- a. Anyone seeking a job with the federal government. The Code of Ethical Conduct and federal law specifically prohibit you from receiving anything of value in return for a promise to support or use influence in obtaining an appointive office for any person.
- b. Anyone who seeks action by PETT or the Trump administration.
- c. A federal employee in any department or agency within the scope of your PETT responsibilities.
- d. Any person or organization that conducts activities regulated by, or has a matter pending before, a department or agency within the scope of your PETT responsibilities.
- e. Any person or organization under circumstances where it may reasonably appear that the gift is being given in order to influence the performance or nonperformance of your duties with PETT.

13. I will not represent, aid or advise a foreign government or foreign political party for the duration of service to PETT.

I, Alex J. Pollock, hereby acknowledge that I have read, understand, and will abide by this Code of Ethical Conduct.

  
Signature

11/21/16  
Date



**From:** [Mackey, Sarah D.](#)  
**To:** [Lightle, Jacqueline](#)  
**Subject:** FW: Alex Pollock: Transition Docs  
**Date:** Thursday, December 15, 2016 4:38:54 PM

---

---

**From:** Mackey, Sarah D.  
**Sent:** Wednesday, November 30, 2016 4:12 PM  
**To:** 'Michael Friedman'  
**Cc:** Alex Pollock; Bak, Patricia  
**Subject:** RE: Alex Pollock: Transition Docs

Thank you Mike.

This is very helpful. We would also appreciate getting similar signed documents when our other team members are identified.

Regards  
Sarah

**From:** Michael Friedman [<mailto:michael.friedman@ptt.gov>]  
**Sent:** Wednesday, November 30, 2016 3:46 PM  
**To:** Mackey, Sarah D.  
**Cc:** Alex Pollock; Bak, Patricia  
**Subject:** Alex Pollock: Transition Docs

Hi Sarah,

Alex informed me that the FTC would like a copy of his required legal forms that were submitted to the White House by the Transition Team. Please find them attached.

Please also let me know if you need any additional information.

Regards,

Mike Friedman

**From:** [Mackey, Sarah D.](#)  
**To:** [Lightle, Jacqueline](#)  
**Subject:** FW: Alex Pollock: Transition Docs  
**Date:** Thursday, December 15, 2016 4:35:54 PM

---

**From:** Michael Friedman [mailto:[michael.friedman@ptt.gov](mailto:michael.friedman@ptt.gov)]  
**Sent:** Wednesday, November 30, 2016 4:14 PM  
**To:** Mackey, Sarah D.  
**Cc:** Alex Pollock; Bak, Patricia  
**Subject:** Re: Alex Pollock: Transition Docs

Will do! Thank you.

On Wed, Nov 30, 2016 at 4:12 PM, Mackey, Sarah D. <[smackey@ftc.gov](mailto:smackey@ftc.gov)> wrote:  
Thank you Mike.

This is very helpful. We would also appreciate getting similar signed documents when our other team members are identified.

Regards  
Sarah

**From:** Michael Friedman [mailto:[michael.friedman@ptt.gov](mailto:michael.friedman@ptt.gov)]  
**Sent:** Wednesday, November 30, 2016 3:46 PM  
**To:** Mackey, Sarah D.  
**Cc:** Alex Pollock; Bak, Patricia  
**Subject:** Alex Pollock: Transition Docs

Hi Sarah,

Alex informed me that the FTC would like a copy of his required legal forms that were submitted to the White House by the Transition Team. Please find them attached.

Please also let me know if you need any additional information.

Regards,

Mike Friedman

## Lightle, Jacqueline

---

**From:** Davis, Anna <ADavis@NGA.ORG>  
**Sent:** Tuesday, November 29, 2016 1:40 PM  
**To:** Ohlhausen, Maureen  
**Cc:** Anderson Borrelli, Bridget  
**Subject:** Just FYI: David Higbee at DOJ transition

### Contact added, Department of Justice Agency Landing Team, President-Elect's Transition Team [PTT], Office of President-Elect Donald Trump

#### Name

David A. Higbee [View](#)

#### Title

Department of Justice Agency Landing Team Member [View](#)

#### Organization Name

Department of Justice Agency Landing Team, President-Elect's Transition Team [PTT], Office of President-Elect Donald Trump [View](#)

#### Address

Department of Justice Agency Landing Team Member, Department of Justice Agency Landing Team, President-Elect's Transition Team [PTT], Office of President-Elect Donald Trump  
1800 F Street NW, Washington, DC 20006

#### Communications Information

Tel: (646) 736-1779

E-mail: [david.higbee@ptt.gov](mailto:david.higbee@ptt.gov)

#### Biographical Information

Education: BYU 1993 BS; George Mason 1996 JD

Bar Admissions: District of Columbia; Maryland

Career: Chief of Staff/Deputy Assistant Attorney General, Antitrust Division, Office of the Associate Attorney General, United States Department of Justice; Special Assistant to the President and Associate Director, Office of Presidential Personnel, Executive Office of the President

#### Other Positions

Managing Partner, Washington, DC Office, Hunton & Williams LLP

Leadership® ID 2005629973

This change occurred in the Leadership Directories database on November 28, 2016.

The information contained in this electronic transmission, including any attachments, is for the exclusive use of the intended recipient(s) and may contain information that is privileged, proprietary, and/or confidential. If the reader of this transmission is not an intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this message.