

From: perseverance2013@aol.com
To: "ngc.foia.liaison@nara.gov"; "[NARA General Counsel FOIA Office](mailto:NARA_General_Counsel_FOIA_Office)"; "joseph.scanlon@nara.gov"; "ogis@nara.gov"; "alina.semo@nara.gov"
Cc: "perseverance2013@aol.com"; "[ExecSec](#)"
Subject: FPL Assistance + OGIS Mediation + Violation of FACA. Freedom of Information Act Request NGC24-263 (My NARA 24-A.I. Muckrock. Ferriero Emails, Texts, Contacts, Calendar
Date: Saturday, April 20, 2024 12:40:00 PM
Attachments: [04.17.2024 Expedited Processing NGC24-263.pdf](#)
[FOIA Advisory Committee Appears Non-Compliant with Federal Management Regulation; Federal Advisory Committee Management.msg](#)
[NARA 24-A.I. Muckrock. Ferriero Emails, Texts, Contacts, Calendar.pdf](#)

Gary Stern (NARA Chief FOIA Officer and FPL) and Ms. Semo (OGIS Director)

I am seeking immediate FPL assistance and formal OGIS mediation regarding NARA's NCG24-263 denial of my request for expedited processing and misstatement of my FOIA request's records sought and request for expedited processing (which I am attaching for your convenience).

1. You failed to provide your response via Muckrock.com as mandated by my FOIA request. Muckrock.com automatically places all case files into the public domain at my discretion and there is great public interest in the records I am seeking. Records may be in danger of eminent destruction.
2. You failed to respond to my request for expedited processing within ten days.

Title36-vol3-part1250.30

(d) We will respond to your request for expedited processing within 10 calendar days of our receipt of your request to expedite.

3. You have misstated my FOIA request by omitting that I am seeking records of the April 4, 2024 FOIA Advisory Committee meeting:

RECORDS SOUGHT VIA FOIA.

NARA 24-A.I. Muckrock. Ferriero Emails, Texts, Calendar

4. You failed to articulate the full content of my request for expedited processing
5. Your refusal to immediately make the records I am seeking "contemporaneously availabl[e]" without me even having to submit a FOIA request violates **41 CFR Part 102-3, Federal Management Regulation; Federal Advisory Committee Management**

§ 102-3.170 How does an interested party obtain access to advisory committee records?

Timely access to advisory committee records is an important element of the public access requirements of the Act. Section 10(b) of the Act (codified at 5 U.S.C. 1009(b)) provides for the

contemporaneous availability of advisory committee records that, when taken in conjunction with the ability to attend committee meetings, provide a meaningful opportunity to comprehend fully the work undertaken by the advisory committee. Although certain advisory committee records may be withheld under an exemption to the Freedom of Information Act (FOIA), agencies may not require members of the public or other interested parties to use FOIA procedures.

§ 102-3.165 How are advisory committee meetings documented?

(b) The minutes must include:

(1) ...

(2) A list of the persons who were present at the meeting, including advisory committee members and staff, agency employees, and members of the public who presented oral or written statements;

(3) An accurate description of each matter discussed and the resolution, if any, made by the advisory committee regarding such matter; and

(4) Copies of each report or other materials received, issued, or approved by the advisory committee at the meeting.

6. Additionally, NARA's refusal to provide reasonable accommodation for the meeting is a violation of **41 CFR Part 102-3 and the Americans with Disabilities Act.**

Provide the opportunity for reasonable participation, including **accessibility considerations**, by the public in advisory committee activities, subject to § 102-3.140 and the agency's guidelines.

7. This is one of three such violations received from your office on April 19, 2024 related to my FOIA requests for records of the April 4, 2024 FOIA Advisory Committee meeting.

Please place this correspondence in the FOIA case processing file for this request and preserve all records for judicial review.

With my respect,

Robert (Bob) Hammond
Private Citizen FOIA Advocate

With my respect,

Robert (Bob) Hammond
Private Citizen FOIA Advocate

From: NARA General Counsel FOIA Office foia@nara.gov
Sent: Wednesday, April 17, 2024 3:36 PM
To: perseverance2013@aol.com
Cc: NARA General Counsel FOIA Office foia@nara.gov
Subject: RE: Freedom of Information Act Request NGC24-263

Sent via Email <perseverance2013@aol.com>

April 17, 2024

Robert Hammond
perseverance2013@aol.com

RE: Freedom of Information Act Request NGC24-263

Dear Mr. Hammond:

This is in response to your request for expedited processing of Freedom of Information Act (FOIA) request assigned internal tracking number NGC24-263. Your request, dated April 8, 2024, was received by the Operational FOIA and Access Division on the same date, via foia@nara.gov.

Our response to this request is attached to this email. Thank you for contacting the National Archives and Records Administration.

Sincerely,

Operational FOIA Division
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland, 20740-6001
301-837-3642