

EMPOWER OVERSIGHT

Whistleblowers & Research



August 12, 2021

VIA ELECTRONIC TRANSMISSION: EFOIA@FDIC.GOV

Federal Deposit Insurance Corporation
FOIA/Privacy Act Group, Legal Division
550 17th Street, N.W.
Washington, DC 20429-9990

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

Introduction

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on those reports by, among other means, publishing information concerning the same.

Background

In a letter to President Biden dated April 14, 2021, the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (“CIGIE-IC”) recommended that three Federal Housing Finance Agency Office of Inspector General (“FHFA-OIG”) employees be disciplined for abusing their authority.¹ The three employees are former Inspector General Laura Wertheimer, Chief Counsel Leonard DePasquale, and former Acting Deputy Inspector General for Investigations Richard Parker.

CIGIE-IC’s April 14th letter to the President is the culmination of an oversight process that began more than *five years ago*, with whistleblowers contacting Congress and Senators writing letters to inquire about their claims.² The public has an interest in understanding why CIGIE-IC took so long to elevate this matter to the White House

¹ Letter from CIGIE Integrity Committee Chair Kevin H. Winters to the President ([Apr 14, 2021](#)).

² See, e.g. “Senators Probing Effectiveness of FHFA’s Watchdog,” *Daily Dose* ([Jul 11, 2016](#)).

with a recommendation to consider imposing appropriate discipline. It is unclear from the public record whether CIGIE-IC had previously made similar recommendations during President Trump's tenure in office, and if not, why it failed to do so.

Records Request

To shed light on the referenced CIGIE-IC investigation, please provide the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552:

1. Communications relating to the CIGIE-IC investigation sent by (a) Laura Wertheimer, (b) Leonard DePasquale, (c) Richard Parker, (d) Jennifer Byrne, (e) Brian Baker, (f) Stacey Nahrwold, or (g) Alison Healey to (h) the Council of the Inspectors General on Integrity and Efficiency ("CIGIE") Chair at the relevant time (*i.e.*, Michael Horowitz or Allison Lerner), (i) the CIGIE-IC Chair at the relevant time (*i.e.*, Scott Dahl or Kevin Winters), (j) Federal Deposit Insurance Corporation ("FDIC") Inspector General Jay Lerner, or (k) any FDIC Office of Inspector General personnel assigned to assist the CIGIE-IC investigation.
2. Communications relating to the CIGIE-IC investigation sent to (a) Laura Wertheimer, (b) Leonard DePasquale, (c) Richard Parker, (d) Jennifer Byrne, (e) Brian Baker, (f) Stacey Nahrwold, or (g) Alison Healey from (h) the CIGIE Chair at the relevant time (*i.e.*, Michael Horowitz or Allison Lerner), (i) the CIGIE-IC Chair at the relevant time (*i.e.*, Scott Dahl or Kevin Winters), (j) FDIC Inspector General Jay Lerner, or (k) any FDIC Office of Inspector General personnel assigned to assist the CIGIE-IC investigation.
3. Communications sent to or from a house.gov or senate.gov domain to or from any official described in subsections (h), (i), or (j) of item 1 of this request, to the extent that such communication refers to any of the FHFA-OIG employees named in subsections (a), (b), or (c) of item 1 of this request, above.

Definitions

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between

and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

Instructions

The time period of the requested records is January 1, 2017, through the present.

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this Freedom of Information Act request.

If you have any questions about this request, please contact Bryan Saddler by e-mail at bsaddler@empowr.us.

Fee Waiver Request

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, and has no commercial interest in making this request. Accordingly, pursuant to 5 U.S.C. § 552 (a)(4)(A)(ii)(II), it is subject only to “reasonable standard charges for document duplication.”

Moreover, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government.

Related to CIGIE-IC investigations of allegations of wrongdoing by an Inspector General and/or members of her principal staff, CIGIE-IC policy section 8(A) provides:

The IC Chairperson shall complete an investigation within 150 days after receiving a referral for investigation by the IC. If the investigation cannot be completed within the 150-day period, the IC Chairperson will promptly notify the Congressional committees of jurisdiction regarding the general reasons for the delay. The notification shall be updated every 30 days until the investigation is complete.³

The public has a significant interest in understanding the reasons why a CIGIE-IC investigation that was supposed to take no more than 150 days to conduct took several years to complete. Empower Oversight is committed to government accountability and public integrity and is committed to public disclosure of documents via its website, and by providing these documents to the media for public dissemination. Hence, information that it receives, which tends to explain the unreasonable delay of the CIGIE-IE investigation of former Inspector General Wertheimer, Chief Counsel DePasquale, and former Deputy Inspector General for Investigations Parker will be published, making this request undeniably eligible for a waiver or reduction of fees under 5 U.S.C. § 552 (a)(4)(A)(iii)

Thank you for your prompt attention to this matter.

Cordially,

[/Jason Foster/](#)

Jason Foster
Founder & President

³ See, CIGIE, Integrity Committee Policies and Procedures (2018), available at https://www.ignet.gov/sites/default/files/files/Integrity_Committee_Policies_and_Procedures_Revised_Jan-2018_Final.pdf (last accessed on August 9, 2021).