



*Legal Counsel.*

DINSMORE & SHOHL LLP  
801 Pennsylvania Ave., N.W. ^ Suite 610  
Washington, D.C. 20004  
www.dinsmore.com

Reed D. Rubinstein  
(202) 372-9120 (direct)  
reed.rubinstein@dinsmore.com

July 20, 2016

**VIA FACSIMILE, ELECTRONIC MAIL AND U.S. MAIL**

Dionne Hardy, FOIA Officer  
Office of Management and Budget  
725 17th Street NW, Room 9026  
Washington, DC 20503  
Fax: 202.395.3504  
OMBFOIA@omb.eop.gov

**Re: Appeal Of OMB FOIA 2016-096 Denial**

Dear Ms. Hardy:

This is in reference to the above Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) by my client, the American Center for Equitable Treatment, Inc. (American Center), a copy of which is attached for your convenience.

The American Center appeals because OMB has failed to respond to this request as required by law. *See* 5 U.S.C. 552(a); *CREW v. Federal Election Commission*, 711 F.3d 180, 188 (D.C. Cir. 2013). This failure is actionable in its own right and also as a wrongful denial of a valid FOIA request. *See, e.g., id; see also* 5 U.S.C. 706.

Also, although the American Center is entitled to a fee waiver as a matter of law, OMB has waived the right to claim fees and therefore need not address this issue in its impending response. An agency that fails to comply with any FOIA time limit forfeits its authority to assess fees. 5 U.S.C. §552(a)(4)(A)(viii).

Ms. Dionne Hardy  
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Please feel free to contact me if you have any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Reed D. Rubinstein". The signature is fluid and cursive, with the first name "Reed" being the most prominent.

Reed D. Rubinstein

RDR:um  
Enclosure