

Legal Opinion: GMP-0127

Index: 7.350, 7.505  
Subject: FOIA Appeal: Release of Final Audit Finding

November 12, 1992

Mr. Dennis Cotner  
OPMI/CMI Property Management  
6701 N. Broadway Extension, Suite 325  
Oklahoma City, OK 73116

Dear Mr. Cotner:

This is in response to your Freedom of Information Act (FOIA) appeal dated October 14, 1992. You appeal the September 29, 1992 denial under Exemption 5 of the FOIA, 5 U.S.C. Section 552(b)(5), by Joseph Bevilacqua, Manger, Tulsa Field Office. You had requested Audit Findings Nos. 1 and 2 of the Inspector General audit regarding the Ralph L. Jones Company, Inc.

I have determined to reverse the initial denial.

The Department had previously advised you that your FOIA appeal had been referred to the Inspector General since the denial involved records of the Office of the Inspector General. However, please be advised that I take jurisdiction of FOIA appeals of Departmental denials by program officials, other than denials by the Office of the Inspector General, regardless of the originating office of the documents. The Office of Inspector General agrees with my determination of FOIA appeal jurisdiction.

The Audit Findings you requested are part of a Inspector General final audit on the Ralph Jones Company. The Office of Inspector General has indicated that, since the audit is final, it is releasable under the FOIA. Therefore, I have determined to release Audit Findings Nos. 1 and 2, per your request. A copy of the Findings is enclosed.

As part of your appeal, you also requested a copy of a demand letter issued by the Tulsa Office. This is a new request for documents which I am referring to the Tulsa Office for direct response. You may contact Mr. Bevilacqua at (918) 581-7442 if you have further questions regarding your FOIA request for the demand letter.

Very sincerely yours,

George L. Weidenfeller  
Deputy General Counsel (Operations)

Enclosure