

Appraisal Subcommittee

Federal Financial Institutions Examination Council

July 15, 1997

Ms. Shirley L. Berry
Executive Director
Arizona Board of Appraisal
1400 West Washington, Suite
360
Phoenix, AZ 85007

Dear Ms. Berry:

This letter responds to the part of your June 18, 1997 letter requesting "a copy of the portion of the minutes of the Appraisal Subcommittee ["ASC"] meeting in which the disposition of ["complaint [redaction]] was discussed If the minutes are not public record, we request the basis on which this is deemed not public information." We are treating your inquiry as a Freedom of Information Act ("FOIA") request under 5 U.S.C. § 552. We received your request on June 30, 1997.

For the following reasons, we cannot grant your request. The relevant portion of the December 17, 1996 ASC meeting minutes is exempt from disclosure under FOIA because it is:

- A record or information "compiled for law enforcement purposes, but only to the extent that the production of such . . . records or information . . . (E) would disclose investigative techniques and procedures for law enforcement investigations . . . or would disclose guidelines for law enforcement investigations" (5 U.S.C. § 552(b)(7)); and
- It pertains to matters "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions" (5 U.S.C. § 552(b)(8)).

If you consider this determination to be improper, you may, under 5 U.S.C. 552(a)(6) and 12 CFR part 1102, subpart D (which incorporates 12 CFR § 1101.4(b)(3)(iii)), appeal to the ASC's Chairman at the address on this letterhead. Any appeal should be filed with the ASC in writing and should state the circumstances and reasons or arguments in support of the appeal and the date of the original request and the date of this initial ruling. The appeal must be made within 35 days of the date of this letter and should be marked "Freedom of Information Appeal," "FOIA Appeal," or the like on the envelope.

If you have any questions, please do not hesitate to contact Marc Weinberg, the ASC's General Counsel.

Sincerely,

Ben Henson
Executive Director