

ARIZONA BOARD OF APPRAISAL
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August 19, 1997

Mr. Ben Henson
Executive Director
Appraisal Subcommittee
2100 Pennsylvania Ave., NW, Ste. 200
Washington, D.C. 20037

RE: Freedom of Information Appeal

Dear Mr. Henson:

I am in receipt of your correspondence dated July 15, 1997 regarding the request for public records filed by the Arizona Board of Appraisal ("Board") on or about June 18, 1997. In your correspondence you deny the Board's request based on 5 U.S.C. 552(b)(7)(E) and (8). The Board hereby appeals the denial of the requested information.

The Board respectfully asserts that the Subcommittee's denial of the information requested is untimely and therefore waived. Second, the Board maintains that to the extent the records requested involve the open session portion of the Subcommittee's meetings, they are not subject to exemption under the Freedom of Information Act. More specifically, if the matters requested were discussed in other than an executive session, any governmental interest in non-disclosure has been waived.

The Board also disputes that the public records requested are subject to the exemptions listed in your July 15, 1997 correspondence. The Board disagrees that the Subcommittee is a law enforcement agency as contemplated in 5 U.S.C. 552(b)(7)(E) and disagrees the records requested would reveal investigative techniques and procedures. Last, the Board maintains that the exemption listed in 5 U.S.C. 552(b)(8) is inapplicable to the Subcommittee. Alternatively, the Board disputes that the records requested deal with the Subcommittee's regulation or supervision of a financial institution. Based on the foregoing, the Board requests that the documents requested be supplied as soon as possible. The Board hopes that with the requested documentation, they will be able to understand and respond to the subcommittee's most recent audit request.

Thank you for your assistance and cooperation. If you have any questions please do not hesitate to contact me at (602) 542-1539.

Sincerely,

Shirley L. Berry
Executive Director