

dedicated to ensuring transparency and accountability for the Administration of Donald J. Trump, the 45th President of the United States.

2. Plaintiff Ryan Noah Shapiro is a founder of Property of the People and a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff Ryan Noah Shapiro is an historian of national security, the policing of dissent, and governmental transparency.

3. Defendants General Services Administration (GSA), United States Department of Commerce (DOC), Department of State (DOS), and Department of Defense (DOD) are agencies of the United States.

4. GSA, DOC, DOS, and DOD and have possession, custody and control of the records Plaintiffs seeks.

JURISDICTION AND VENUE

5. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.

6. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).

7. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

Background

8. In 1988, Congress mandated that federal employees use the government travel charge card for all payments of expenses related to official government travel, with some exceptions.

9. To implement this mandate, the GSA SmartPay 2 Program provides charge cards to U.S. government agencies through master contracts that are negotiated with major banks. The GSA coordinates the federal charge card program by providing cards to federal employees in hundreds of federal agencies.

10. Two types of travel charge cards are available: individually billed accounts, which are issued to employees to pay for official travel and travel-related expenses, with the government thereafter reimbursing employees for authorized expenses; and centrally billed accounts, which are established by some agencies to pay for official travel expenses. Centrally billed accounts are paid directly by the government to the bank.

11. Each government agency participating in the charge card program has an Agency/Organization Program Coordinator (A/OPC) who manages his or her agency's travel card program. The main responsibility of the A/OPC is to oversee the travel card program and to serve as the liaison between the cardholder, the bank, and the GSA's Office of Charge Card Management.

12. Within the DOC, the Office of Financial Management's Travel Management Division handles the Travel Charge Card Program.

13. DOS has a Travel Card Program that implements and oversees the agency's use of charge cards.

14. Within the DOD, the Defense Travel Management Office is responsible for implementing and overseeing the Government Travel Charge Card Program.

15. On September 8th 2017, Plaintiffs received responsive documents from the United States Coast Guard, including an invoice that detailed charges by the National Security Council at The Mar-a-Lago Club, a business owned by President Donald J. Trump.

16. The responsive documents generated tremendous interest on behalf of members of the media, elected officials, and ordinary citizens who desire to know how taxpayer dollars are being spent by federal agencies, to what extent the government charge card program is being used to patronize Trump-owned businesses, and what is being done to address the blatant conflicts of interest the documents illustrate.

17. Plaintiffs, motivated by a strong desire to foster governmental transparency, have filed this suit to compel disclosure of documents relating to charge card expenses from Defendants, who failed to timely respond to Plaintiffs' FOIA requests.

Plaintiffs' FOIA Requests

General Services Administration

18. On June 10, 2017, Plaintiffs submitted to GSA via FOIA portal a FOIA request for all records of the Office of Asset and Transportation Management or its components mentioning Trump properties; correspondence between the Office of Asset and Transportation Management and any Trump business; records of the Office of Travel, Motor Vehicle, and Card Services mentioning Trump properties; correspondence between the Office of Travel, Motor Vehicle, and Card Services and any Trump business; other correspondence of the Assistant Commissioner, Office of Travel, Motor Vehicles, and Card Services which mention any Trump business; records in specified systems mentioning or referring to any Trump property or business; and records reflecting charges to a Government Travel Charge Card or other governmental charge card for expenditures at Trump businesses.

19. In a June 19, 2017 letter, GSA acknowledged receipt of the June 10, 2017 FOIA request and assigned it tracking number 2017-001197.

20. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to GSA, but as of the filing of this Complaint, Plaintiffs have not received a response from GSA with a final determination as to whether GSA will release the requested records.

Department of Commerce

21. On June 19, 2017, Plaintiffs submitted to DOC via FOIA portal a FOIA request for records reflecting expenditures on a Government Travel Charge Card or other governmental charge card by Secretary Wilbur Ross for a time period totaling seven days; records of the Office of Financial Management mentioning Trump properties; and records reflecting expenditures on a Government Travel Charge Card or other governmental charge card to any Trump business, by Commerce employees or otherwise.

22. On June 21, 2017, DOC acknowledged via email receipt of the June 19, 2017 FOIA request and assigned it tracking number 2017-001396. DOC deemed parts of the request overbroad and impracticable.

23. Later on June 21, 2017, Plaintiffs responded via email and narrowed the scope of the original FOIA request. The same day, DOC responded via email and deemed Plaintiffs' clarification and narrowing of the FOIA request sufficient.

24. On June 29, 2017, DOC granted Plaintiffs' request for a fee waiver.

25. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to DOC, but as of the filing of this Complaint, Plaintiffs have not received a response from DOC with a final determination as to whether DOC will release the requested records.

Department of State

26. On June 10, 2017, Plaintiffs submitted to DOS via fax a FOIA request for records of the Office of Logistics Management Transportation and Travel Management Division mentioning Trump properties; correspondence between the Office of Logistics Management Transportation and Travel Management Division and any Trump business; records in a specified records system mentioning or referring to any Trump property; and records reflecting charges to a Government Travel Charge Card or other governmental charge card for expenditures at Trump businesses.

27. In a June 21, 2017 letter, DOS acknowledged receipt of the FOIA request on June 12, 2017, assigned it tracking number 2017-12722, denied Plaintiffs' request for a fee waiver, and denied Plaintiffs' request to be considered members of the media and/or educational requesters for purposes of assessing search fees.

28. On June 30, 2017, Plaintiffs submitted an appeal to DOS contesting the fee waiver denial and the determination that Plaintiffs are not members of the media and/or educational requesters for purposes of assessing search fees.

29. More than 20 business days have elapsed since Plaintiffs submitted their appeal to DOS, but as of the filing of this Complaint, Plaintiffs have not received a response from DOS with a final determination as to whether DOS will grant the request for a fee waiver.

30. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to DOS, but as of the filing of this Complaint, Plaintiffs have not received a response from DOS with a final determination as to whether DOS will release the requested records.

Department of Defense

31. On June 10, 2017, Plaintiffs submitted to DOD via fax a FOIA request for records of the Defense Travel Management Office mentioning Trump properties; correspondence between the Defense Travel Management Office and any Trump business; records in the Defense Travel System mentioning any Trump property; and records reflecting charges to a Government Travel Charge Card or other governmental charge card for expenditures at Trump businesses.

32. In a June 13, 2017 letter, DOD acknowledged receipt of the FOIA request on June 12, 2017 and assigned it tracking number 17-F-1102.

33. More than 20 business days have elapsed since Plaintiffs submitted the FOIA request to DOD, but as of the filing of this Complaint, Plaintiffs have not received a response from DOD with a final determination as to whether DOD will release the requested records.

COUNT I: VIOLATION OF FOIA

34. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.

35. GSA, DOC, DOS and DOD have improperly withheld responsive records.

36. DOS improperly denied Plaintiffs' request for a fee waiver and improperly categorized Plaintiffs as "other" requesters.

37. GSA and DOD have failed to grant or rule on Plaintiff's request for a fee waiver and to be classified as representatives of the news media and/or educational requesters.

38. Plaintiffs are deemed to have exhausted their administrative remedies because GSA, DOC, DOS, and DOD have not responded within the time period required by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare Defendants' failure to comply with FOIA to be unlawful;
- (2) Order Defendants to grant Plaintiffs' requests for fee waivers and to grant Plaintiffs' fee status as members of the media and/or educational requesters.
- (3) Order Defendants to immediately process Plaintiffs' FOIA request;
- (4) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (5) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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