

July 29, 1999

Carol Anne Burger

Credit Union Times

560 Village Blvd., Suite 325

West Palm Beach, FL 33409

Re: FOIA Appeal, your letter dated June 24, 1999

Dear Ms. Burger:

On May 4, 1999, you filed a request under the Freedom of Information Act (FOIA) for a copy of "the minutes of the closed session of the NCUA Board conducted on February 24, 1999, at which the conservatorship of Waldo Community Development FCU" was discussed. You also requested all supporting documents. Dianne Salva, NCUA's FOIA Officer, responded to your request on May 28, 1999. Your request was denied. Ms. Salva stated she could neither confirm nor deny whether the matter was discussed at the February 24th Board meeting. We received your June 24 appeal on July 1. We can neither confirm nor deny whether the subject matter about which you requested documents was discussed at the February 24, 1999, closed Board meeting and, therefore, can neither confirm nor deny the existence of records responsive to your request. Information of this type, if it exists, would be subject to exemption (b)(8) of the FOIA (5 U.S.C. 552(b)(8)) and exemptions 8 and 9(A)(ii) of the Government in the Sunshine Act (5 U.S.C. 552b(c)(8)(9)(ii)). You may treat this response as a denial of your appeal.

Pursuant to 5 U.S.C. 552(a)(4)(B), you may seek judicial review of this determination by filing suit against the NCUA. Such a suit may be filed in the United States District Court in the district where you reside, where your principle place of business is located, the District of Columbia, or the Eastern District of Virginia (Board meeting transcripts are stored in Alexandria, VA).

Sincerely,

Robert M. Fenner

General Counsel

GC/JJE/HMU:bhs

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