

To: Yvette Magruder
Phone #: _____
Fax # _____
From: MARK Dellonte
Phone #: 301-469-3404

Date: 3/18/96
Pages: 2
(includes this cover page)

COMMENTS:

Ms. Magruder:

Please find the attached
Request.

Thank you
Mark Dellonte

RECEIVED
MAR 18 3 00 PM '96
EXTENSION
SECRETARIA

NOTICE: The information contained in this facsimile message, which contains the number of pages noted above, may contain confidential information that is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at the number below. Thank you.

ERVIN and
ASSOCIATES

INCORPORATED

FI-130797

March 18, 1996

Ms. Yvette Magruder
Freedom of Information Act (FOIA) Officer
U.S. Department of Housing and Urban Development
Executive Secretariat's Office, Room 10139
451 Seventh Street, S.W.
Washington, D.C. 20410

Re: Freedom of Information Act Request for a List of All Contracts the Department as
of January, 1994 - FOIA Control Number: FI-126618

Dear Ms. Magruder:

As I indicated to you in my fax on Friday (3/15/96), we are in receipt of your response to the
above referenced FOIA information. We appreciate your prompt response to our request.

You provided us a list of contracts with the department that was run off your internal contracting
system. However, we noticed that the report you sent us was run on all contracts since 12/31/94,
and we requested all contracts beginning 1/1/94. In addition, the report you sent us included only
pages 1, 8, 11, 12, 13, 16, and 17. We assume the other pages included only contracts under
\$50,000.

As you need to re-run this standardized report for us anyway, we would like to modify our
request to have the report run for all contracts of any size issued after June 18, 1993. In addition,
since this appears to be a simple report to run, we would like to receive the entire report, not just
selected pages. For the sake of convenience, it will not be necessary at this time to identify
projects not advertised. However, we would also like a similar list of all GNMA contracts.

Ervin and Associates agrees to pay any fees associated with the processing of this request. Please
forward this report to my attention. If you have any questions, or need any further information,
please do not hesitate to contact me at 301/469-3404.

Very truly yours,

ERVIN and ASSOCIATES, INCORPORATED

Mark Dellonte
Mark Dellonte

Bernard S. Oleniacz
(301) 469-3407

FI-130797

**ERVIN and
ASSOCIATES**

INCORPORATED

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REC'D
U.S. Department of Housing and Urban Development
Executive Secretariat's Office, Room 10139
451 Seventh Street, S.W.
Washington, D.C. 20410-0001

RECEIVED
MAY 20 2 51 PM '96
EXECUTIVE SECRETARIAT

Dear Ms. Fason:

We are in receipt of your letter of May 14th, 1996 (copy attached) indicating that the fees for obtaining effectively the same printout we received at no cost on March 13th, 1996 are now estimated to be approximately \$438.50. In our correspondence of March 18th, 1996, and February 18, 1996, we agreed to pay any fees associated with the processing of this request. Considering this previous authorization, it is totally inappropriate for you to have taken almost two months to decide that you will now hold processing of our request in abeyance until you receive our **third** written agreement to pay for the information we need.

Our initial reaction to HUD's demand that we pay \$438.50 was that we were being held up and HUD's motives were clearly retaliatory and obstructive. Although our impression of HUD's motivations has not changed, we feel differently about the costs.

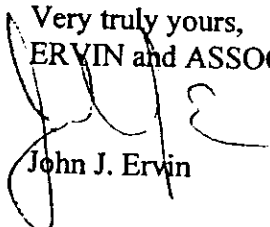
As American citizens, an argument could be made that we own the information being requested, but without clear written authority, that might be difficult to sustain. Under the Freedom of Information Act, however, there is clear legal authority that says we are entitled to the data/information.

Ervin and Associates is painfully aware of how expensive it is to design and program a database system, populate that database, validate the data, and then develop the systems necessary to allow for the retrieval of that data. Although HUD can only charge for the incremental cost of running the reports (excluding the initial systems investment), we accept as fair your estimate of the costs as follows:

Professional Search	\$37.00 per hour
Copying	\$.15 per page
Elapsed Computer Time	\$25.00 per minute

To ensure that there is no more "confusion" or "stonewalling," we are enclosing our check for \$438.50. Additionally, we would expect a very prompt and complete response to this and all other long outstanding FOIA requests. Thank you for your prompt consideration.

Very truly yours,
ERVIN and ASSOCIATES, INCORPORATED



John J. Ervin