

**ERVIN and
ASSOCIATES
INCORPORATED**

FJ-160384

March 20, 1997

U. S. Department of HUD VIA FAX TO 202/619-8155 & U.S. MAIL
 Freedom of Information Act Appeal
 Assistant General Counsel for Training and Administrative Law
 451 Seventh Street, SW, Room 10246
 Washington, D.C. 20410-0500

Ms. Ann Aldrich VIA FAX TO 202/619-8365
 Executive Secretariat
 U.S. Department of Housing and Urban Development
 Executive Secretariat's Office
 451 Seventh Street, SW, Room 10139
 Washington, D.C. 20410

Re: FOIA Appeal/Incomplete Response to Freedom of Information Act Request
 Bids Submitted on Note Sales, FI-160384

Dear Sir or Madam and Ms. Aldrich:

On March 4, 1997, I appealed Ms. Aldrich's February 20th final response to the above-referenced FOIA request based on HUD's over broad application of Exemption 4 in refusing to disclose losing bidder information. I have yet to receive a response to that appeal.

Although I was originally under the impression that complete information had been provided for winning bids, I have since done considerable work attempting to summarize HUD's note sales and have discovered that there was a significant amount of information that was withheld from us without explanation.

Although our initial request, dated October 2, 1996, asked for information on all single family and multifamily note sales to date, for some reason the response excluded the following sales in their entirety:

- 08/22/93 Multifamily Sale to Fannie Mae
- 06/01/94 Single Family G-4 Note Sale
- 10/25/94 Multifamily G-4 Note Sales
- 11/07/95 Single Family Defaulted Title I Notes
- 04/24/96 Single Family Defaulted Title I Notes #2
- 09/26/96 Multifamily Sale to Missouri HFA

in addition, for note sales that were addressed in the response, the following information was not provided:

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Single Family Sale #1

- Pools Included in Each Winning Bid
- Amounts of Winning Bids
- Addresses of Bidders

Single Family Sale #2

- Pools Included in Each Winning Bid

Single Family Sale #3

- Pools Included in Each Winning Bid
- Names and Addresses of Losing Bidders

Multifamily Southeast Sale

- Address of Losing Bidders

Multifamily West of the Mississippi Sale

- Addresses of 47 of the 73 Bidders

Multifamily National Performing Sale

- Addresses of All Bidders

Multifamily Partially Assisted Sale

- Amount of Bonds Issued

Multifamily North Central Sale

- Pools Included in Each Winning Bid
- Amount of Each Winning Bid

As none of the above information was claimed as exempt, I believe this was an error on HUD's part and Ms. Aldrich should provide the required information without an appeal. However, if this is not the case, please consider this a formal appeal of the withholding of the above information, in addition to our previous appeal (which is still pending) of the withholding of losing information.

In addition, on February 27, 1996, we requested identical information on the 12/14/96 Midwest Sale and the 1/30/97 Single Family Sale #4. For some as of yet unexplained reason, HUD has released minimal information regarding these sales although each has already closed. Please ensure that HUD's decision to be less than forthcoming with the press about note sales is not to be confused with their obligations under the FOIA. All information that has been (or should have been) provided for the previous note sales under the Freedom of Information Act should also be released for these two

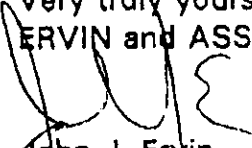
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sales, including the losing bid information if our appeal is upheld (either by HUD's Office of the General Counsel or the District Court).

I have also recently submitted a FOIA request to HUD regarding a Title X land sale which was held sometime in 1996. Please ensure complete, prompt disclosure regarding that sale as well.

Your prompt attention to this matter is appreciated. If you have any questions, please call me at (301) 469-3410.

Very truly yours
ERVIN and ASSOCIATES, INCORPORATED


John J. Ervin
President

- Attachments: October 2, 1996 Initial Request
- November 8, 1996 Initial Response
- November 13, 1996 Appeal
- December 30, 1996 Appeal Response
- February 20, 1996 Revised Response
- March 4, 1996 Appeal

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**ERVIN and
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FI-160384

October 2, 1996

SENT VIA FACSIMILE

Ms. Yvette Magruder
Executive Secretariat/FOIA
U.S. Department of Housing and Urban Development
Room 10139
451 Seventh Street, S.W.
Washington, D.C. 20410-3000

Re: Freedom of Information Act Request
Bids Submitted on Note Sales

Dear Ms. Magruder:

Ervin and Associates is requesting, under the Freedom of Information Act, a list of all bids submitted for all single family and multifamily note sales to date. For each bid, please include:

- The identity of the note sale;
- Pools included;
- Amount of bid;
- Name and address of bidder; and
- Whether or not the bid was successful.

Ervin and Associates agrees to pay all costs associated with processing this request. We understand that we will be notified of the cost once it is determined.

If you have any questions, please call me at 301/469-3404.

Very truly yours,
ERVIN and ASSOCIATES, INCORPORATED



Mark Dellonte

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