



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

James Haynes
Veterans Education Success
1250 H Street NW, 7th Floor
Washington, DC 20005

APR 05 2019

Re: FOIA-2019-00207

Dear Mr. Haynes:

This is in response to your request dated November 20, 2018 under the Freedom of Information Act seeking access to:

- All documents the FTC possesses regarding the names of any college, university, trade school, or other institute of higher-learning that were associated with, participated in, partnered with, contracted with, or paid for services from the lead generator websites recently shut down by the FTC in the September 6, 2018 Stipulated Final Orders and discussed in Commissioner Rohit Chopra's Statement, FTC Matter/File Number: 162 3211;¹
- All documents the FTC possesses naming any institution of higher-learning purchasing leads in conjunction with, or otherwise participating in or financially connected to, Fanmail.com, LLC; Lon Brolliar; Andrew Dorman, and the lead generator websites they operated: www.army.com and www.air-force.com; and
- All documents that the FTC possesses naming any institution of higher-learning purchasing leads related to, or otherwise participating in or financially connected to, SunKey Publishing, Inc.; Sun Key Publishing, LLC; Wheredata, LLC; Christopher Upp; Mark Van Dyke, and the lead-generator websites they operated: www.airgardenlist.com, www.coastgardenlist.com, www.armyenlist.com, www.nationalgardenlist.com, www.airforceenlist.com, www.marineenlist.com, and www.navyenlist.com.

After discussing your request, you agreed to amend the request to a list of any institution of higher-learning that purchased leads from the above mentioned lead generator websites. In accordance with the FOIA and agency policy, we completed a search of our records on March 21, 2019.

¹ Stipulated Final Order for *United States v. Sunkey Publishing, Inc., et. al*, civil action no. 3:18-cv-14444-HNJ, N.D. Ala, September 6, 2018, available at https://www.ftc.gov/system/files/documents/cases/sunkey_proposed_order.pdf?utm_source=govdelivery; Stipulated Final Order for *United States v. Fanmail.com, LLC, et. al*, civil action no. 3:18-cv-14444-HNJ, N.D. Ala, September 6, 2018, available at https://www.ftc.gov/system/files/documents/cases/2-1_fanmail_proposed_order.pdf?utm_source=govdelivery; Statement by Commissioner Rohit Chopra, Joined by Commissioner Rebecca Kelly Slaughter, September 6, 2018, available at https://www.ftc.gov/system/files/documents/public_statements/1408028/1623211_sunkey_publishing_rc_and_rks_statement.pdf.

After locating the responsive records, we have determined that all of the responsive records are exempt from the FOIA's disclosure requirement as explained below. Accordingly, we are denying your request.

The responsive records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

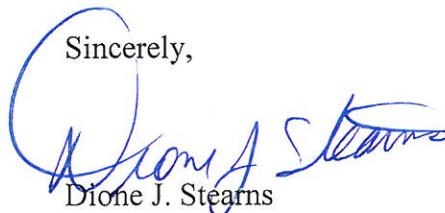
The responsive records are also exempt from disclosure under FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) protects information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. *See Foster v. DOJ*, 933 F. Supp. 687(E.D. Mich. 1996).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or via email at FOIAAppeal@ftc.gov, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Mark Brier at 202-326-3699.

Sincerely,



Dione J. Stearns
Assistant General Counsel