

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUDY TAKALA)	
1100 First Street, NE #913)	
Washington, DC 20003,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-1715
)	
FEDERAL ELECTION COMMISSION)	
999 E Street, NW)	
Washington, DC 20004,)	
)	
Defendant.)	

COMPLAINT

1. Plaintiff Rudy Takala (“Mr. Takala”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking access to Defendant Federal Election Commission (“FEC”) records revealing, *inter alia*, taxpayer money spent on political and other travel expenses.

2. Mr. Takala submitted a FOIA request seeking access to these records but the FEC has failed to comply with FOIA’s statutory deadlines.

JURISDICTION AND VENUE

3. Jurisdiction is asserted pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

4. Venue is proper pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

PARTIES

5. Plaintiff Rudy Takala in an associate editor at *The Hill* newspaper, a position he has held since November 2016. He was previously a reporter at the *Washington Examiner*, and it was in that capacity that he filed the FOIA request at issue. His focus at both publications has

included technology, cybersecurity, and federal regulatory agencies, including the Federal Communications Commission and the FEC. He has used FOIA in both positions to engage in investigative activity relevant to his work.

6. Defendant FEC is an agency within the meaning of 5 U.S.C. § 552(f)(1). It has possession, custody, and control of records to which Mr. Takala seeks access and that are the subject of this Complaint.

FACTS

7. By letter, dated October 21, 2016, Mr. Takala sent a FOIA request to the FEC seeking access to records related to, *inter alia*, expenses incurred for FEC travel. Text of original request reproduced as Ex. 1; *see also* Ex. 2.

8. Specifically, the request sought the following records:

- a. All receipts, reimbursement forms, or other documents identifying the amounts sought by or paid to commissioners Matthew Petersen, Steven Walther, Lee Goodman, Caroline Hunter, Ellen Weintraub, and Ann Ravel to attend the 2016 Republican or Democratic conventions.
- b. All receipts, reimbursement forms, or other documents identifying the amounts sought by or paid to any commission staff (including a commissioner's staffer) to attend the 2016 Republican or Democratic Conventions.
- c. A copy of any document listing all FEC Commissioners, members of their staff, or other FEC employees who attended either the 2016 Republican or Democratic Conventions.
- d. A copy of the most recent report used by FEC staff to track the status of pending FOIA requests.

- e. All documents produced pursuant to a FOIA request made within the past seven years by: Center for Public Integrity, the Wall Street Journal, NBC News, Fox News, CBS News, CNN, the Republican National Lawyers Association, the Democratic National Committee, or the Foundation for Accountability and Civic Trust.
 - f. All communications between Commissioner Ravel and (A) the White House and (B) any current or former member of Commissioner Ravel's staff about Commissioner Ravel visiting the White House or meeting with White House personnel or the President himself.
 - g. All emails between Commissioner Ravel and anyone at an email address ending in @doj.ca.gov, @governor.ca.gov, or fppc.ca.gov.
 - h. All emails between Commissioners Goodman, Petersen, or Hunter and anyone at an email address ending in @doj.wi.gov or @doj.fl.gov.
 - i. All emails or documents in the possession of Commissioner Ravel, her staff, or FEC staff more generally concerning her October 2 travels to Columbia regarding the plebiscite, "Final Agreement for the Termination of Conflict and Construction of a Stable and Lasting Peace."
9. For fee purposes, Mr. Takala sought to be classified as a representative of the news media. Ex. 1 at 2.
10. Mr. Takala also requested a public-interest fee waiver. Ex. 1 at 2.
11. By email, dated November 17, 2016, the FEC acknowledged receipt of the FOIA request, assigned it case number 2017-003, and invoked a ten-day statutory extension for its response deadline. Ex. 2.

12. By email, dated December 6, 2016, the FEC invoked a second response extension, invited Mr. Takala to narrow the scope of this request, and provided an estimated response deadline of December 23, 2016. Ex 3.

13. Mr. Takala did not narrow the scope of his request in response to this email from the FEC.

14. Mr. Takala has received one production of responsive documents.

15. The FEC has not reached a final determination on this request, otherwise completed production, or responded to Mr. Takala's fee waiver and classification requests.

COUNT 1

Violation of the FOIA: Failure to Comply with Statutory Deadlines

16. Mr. Takala repeats all of the above paragraphs.

17. The FOIA requires agencies to respond to requests within twenty (20) business days or, in "unusual circumstances," within thirty (30) business days. 5 U.S.C. §§ 552(a)(6)(A)–(B).

18. More than thirty (30) business days have passed since the FEC received the FOIA request at issue in this suit.

19. The FEC has not issued a final determination on the FOIA request at issue within the applicable statutory time limits. The FEC, therefore, has failed to comply with the FOIA's statutory deadline to issue a final determination.

20. Mr. Takala has exhausted his administrative remedies under 5 U.S.C. § 552(a)(6)(C).

RELIEF REQUESTED

WHEREFORE, Plaintiff Rudy Takala respectfully requests and prays that this Court:

- a. order the FEC to issue a final determination within twenty (20) business days of the date of the Order;
- b. order the FEC to produce all responsive, non-exempt records promptly after issuing the final determination;
- c. award Mr. Takala his costs and reasonable attorney fees incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- d. grant such other relief as the Court may deem just and proper.

Date: August 23, 2017

Respectfully submitted,

/s/ R. James Valvo, III

R. James Valvo, III (D.C. Bar No. 1017390)

Lee A. Steven (D.C. Bar No. 468543)

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