

M. H. Rogoff

FAX NO. : 216 464 9644

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M.H. Rogoff

24812 Albert Lane ~ Beachwood, Ohio

7/12/04

Incoming

Ms. Patricia R. Sheikh
Administrator
Foreign Agricultural Service
U. S. Department of Agriculture
ATTN: FOIA Appeal
Washington, D.C. 20250-1004

Dear Ms. Sheikh:

Thank you for your letter dated June 29, 2004.

Please be informed that in the telephone conversation the Dairy Import Quota Program Manager did not provide me with a response to either the number or the names of the persons or firms who were not awarded licenses under the similar circumstances as myself. Therefore kindly instruct the manager to fax or e-mail this information to me.

In your letter you further state that you have no records of the number or a list of the persons or firms who had their application for 2004 import licenses denied under the same circumstances. Reference is made to an e-mail from Michael Hankin on 3/17/04 2:59 PM (Copy of which is attached), in which Mr. Hankin states: "because the circumstances are unique for you and a number of applicants...". Certainly Mr. Hankin had this requested list, when he sent his e-mail on 3/17/04, and it would be very unusual and unprofessional, if Mr. Hankin destroyed such list, as he must have been aware that he overstepped his authority as Dairy Import Quota Program Manager, when he rejected the applications as late as after the third printing of 2004 licenses were issued. It should be quite an easy thing for Mr. Hankin to reconstruct a destroyed list.

In addition I do not believe that a current list of inventory balances that are not issued and still available is proprietary information nor do such balances meet the definition of "trade secrets and commercial and financial information from a person". Consequently please answer the following question: Is anything left unallocated anywhere in the cheese import licensing system, and if so, how much and which type of licenses?

Your reply at the earliest possible date will be much appreciated.

Sincerely,



Mort Rogoff