



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2736

Office of FOIA Services

September 30, 2011

Mr. Michael Smallberg
Project on Government Oversight
1100 G Street, NW, Suite 900
Washington, DC 20006

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 10-03559-FOIA

Dear Mr. Smallberg:

This letter is a final response to your request dated January 19, 2010 for copies of all investigative reports issued by the Office of Inspector General from December 1, 2007 through January 19, 2010. On March 29, 2010 an initial response was issued to you releasing in part the following OIG reports:

- **OIG-485**, No Misconduct Found at Denver Regional Office;
- **OIG-490**, No Merit to Complaint of Orders to Falsify a Government Record and Need to Address Personnel Issues in the Security Branch;
- **OIG-496**, Allegations of Conflict of Interest, Improper Use of Non-Public Information, and Failure to Take Sufficient Action Against Fraudulent Company;
- **OIG-501**, Disclosure of Nonpublic Information;
- **OIG-503**, Misuse of Government Computer Resources and Official Time at the Los Angeles Regional Office;
- **OIG-506**, Misuse of Government Computer Resources and Official Time at the Atlanta Regional Office;
- **PI No. 08-48**, Misuse of Government Computer Resources and Official Time;
- **PI No. 08-49**, Misuse of Government Computer Resources and Official Time;
- **PI No. 09-19**, Misuse of Government Computer Resources and Official Time;
- **PI No. 09-20**, Misuse of Government Computer Resources;

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- **PI No. 09-21**, Misuse of Government Computer Resources;
- **PI No. 09-25**, Misuse of Government Computer Resources and Official Time,
- **PI Nos. 09-80 through PI No. 09-85**; Misuse of Government Computer Resources and Official Time;
- **OIG-484**, Misuse of Government Computer Resources and Official Time at the Chicago Regional Office; and
- **OIG-497**, Misuse of Government Resources and Official Time.

In the March 29th partial response letter you were also made aware of those reports that were publicly available on the Commission's FOIA website at <http://www.sec.gov/foia/foiadocs.htm>. Although beyond the scope of your request, the following additional reports have since been posted:

- **OIG-522**, Investigation of the Circumstances Surrounding the SEC's Proposed Settlements with Bank of America, Including a Review of the Court's Rejection of the SEC's First Proposed Settlement and an Analysis of the Impact of Bank of America's Status as a TARP Recipient;
- **OIG-534**, Allegations of Improper Coordination Between the SEC and Other Governmental Entities Concerning the SEC's Enforcement Action Against Goldman Sachs & Co.;
- **OIG-526**, Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme; and
- **OIG-505**, Failure to Timely Investigate Allegations of Financial Fraud.

On December 14, 2010 a second partial response was issued granting access in part to the following OIG reports:

- **OIG-447**, Perjury in Official EEO Investigation;
- **OIG-469**, Conflict of Interest, Improper Solicitation and Receipt of Gifts from a Prohibited Source, Misuse of Official Position and Other Misconduct;
- **OIG-483**, Failure to Vigorously Enforce Action Against W. Holding and Bear Stearns at the Miami Regional Office;
- **OIG-494A**, Allegations of Retaliatory Personnel Actions;

- **OIG-494B**, Violation of Standards of Ethical Conduct in Regards to Official Government Travel;
- **OIG-512**, Unauthorized Disclosure of Non-Public Information,
- **OIG-480**, Misuse of Official Government Position,
- **OIG-472**, Disruptive Act in the Workplace; Intimidating and Controlling Behavior; Lack of Candor;
- **OIG-515**, Disclosure of Non-Public Procurement Information and Lack of Candor at Headquarters; and
- **OIG-481**, Employees Securities Transactions Raise Suspicions of Insider Trading and Create Appearances of Impropriety; Violations of Financial Reporting Requirements, and Lack of SEC Employee Securities Transactions Compliance System.

At this time, access is granted to the following reports, except for certain information which has been redacted under 5 U.S.C. § 552(b)(5), (6), (7)(C) and (8), 17 CFR § 200.80(b)(5), (6), (7)(iii) and (8).

- **OIG-479**, Misuse of Government Computer Resources and Official Time,
- **OIG-486**, Allegations of Misconduct and Retaliation by Managers at the Los Angeles Regional Office,
- **OIG-488**, Misuse of Government Resources and Official Time at Headquarters;
- **OIG-492**, Abuse of Time and Attendance by [an] Employee of the Division of Investment Management;
- **OIG-493**, Falsification of Employment Application and Personnel Forms;
- **OIG-498**, Failure to Maintain Active Bar Status As Required;
- **OIG-499**, Appearance of Lack of Partiality in the Performance of Official Duties;
- **OIG-500**, Investigation into Unauthorized Disclosure of Non-Public Information;
- **OIG-504**, Misuse of Government Computer Resources and Violation of the Standards of Ethical Conduct for Employees;
- **OIG-507**, No Abuse of Authority or Discrimination Against Native Americans at the San Francisco Regional Office;
- **OIG-514**, Possession of a Dangerous Weapon in a Federal Facility By Division of Enforcement SK-14 Employee;
- **OIG-519**, Misuse of Position, Government Resources and Official Time in Denver Regional Office and Home Office;

- **OIG-521**, Allegations of Failure by the SEC to Investigate;
and
OIG-527, Allegations of Improper Staff Conduct During
Litigation and Collection.

Since parts of the reports were prepared in anticipation of litigation, form an integral part of the predecisional process, and/or contain advice given to the Commission or senior staff by the Commission's attorneys, they are protected from release by the attorney work-product, deliberative process and/or attorney-client privileges embodied in FOIA Exemption 5.

Under Exemption 6 the release of the redacted information would constitute a clearly unwarranted invasion of personal privacy. Under Exemption 7(C) release of the information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Further, public identification of Commission staff could conceivably subject them to harassment and annoyance in the conduct of their official duties and in their private lives.

Finally, part of the redacted information is protected from release under Exemption 8 since it relates to examination, operating or condition reports prepared by, on behalf of, or for the use of the Commission, in connection with its supervision and regulation of financial institutions.

You have the right to appeal our decision to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6). Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

Send your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2736, Washington, D.C. 20549, or deliver it to Room 1120 at that address. Also, send a copy to the SEC Office of the General Counsel, Mail Stop 9612, or deliver it to Room 1120 at the Station Place address.

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If you have any questions, please contact me by email at sifordm@sec.gov or by telephone at (202) 551-7201. If you cannot reach me please contact Ms. Celia Winter by calling (202) 551-7900 or by sending an e-mail to foiapa@sec.gov.

Sincerely,



Mark P. Siford
Office of FOIA Services
Attorney Advisor

Enclosure