

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
GEORGE J. ZARDECKI) FOIA Control No. 2003-529
On Request for Inspection of Records)

MEMORANDUM OPINION AND ORDER

Adopted: March 17, 2004

Released: March 23, 2004

By the Commission:

1. The Commission has before it an application for review filed by George J. Zardecki (Zardecki) seeking review of a decision of the Enforcement Bureau (EB) granting in part and denying in part his Freedom of Information Act (FOIA) request. The application for review is denied.

2. Zardecki sought all records having to do with himself and several other amateur operators, namely, Michael E. Guernsey, Sr., Ruberd M. Lloyd, Daniel J. Jeswald, James R. Evans, Robert M. Sherin, and Karol Madera, with the exception of documents authored by himself or by Madera. EB responded by producing 132 pages of documents. Zardecki sought review of the Bureau’s decision, stating “I remind you that my request was for ‘ANY and ALL information and ANY and ALL other records, e-mails, notes etc. whatsoever’ on the subjects of the FOIA request. I say that I only received ‘partial’ FOIA results” Zardecki then listed 20 records or types of records that he alleges were not produced.

3. On review, we find no reason to disturb EB’s decision. The FOIA requires the Commission to conduct a “search reasonably calculated to uncover all relevant documents. . . . [t]he issue is not whether any further documents might conceivably exist but rather whether the government’s search for responsive documents was adequate. . . . “ Weisberg v. U.S. Department of Justice, 705 F.2d 1344, 1351 (D.C. Cir. 1983) [emphasis in the original]. In this case, EB conducted a thorough search for responsive records and produced 132 documents. A

1 E-mail from George J. Zardecki to FOIA@fcc.gov (Aug. 14, 2003).

2 Letter from Joseph P. Casey, Chief, Spectrum Enforcement Division to Mr. George Zardecki (Nov. 3, 2003) (Control No. 2003-529). Some of these documents were provided in redacted form pursuant to FOIA Exemptions 5 and 7(C).

3 E-mail from George J. Zardecki to Karen Mercer (Nov. 25, 2003). At Zardecki’s request, this communication was referred to the Office of General Counsel and treated as an application for review. See E-mail from Laurence Schecker to George J. Zardecki (Feb. 5, 2004).

4 See also Jeffrey W. Hanson, 16 FCC Rcd 16497, 16499-500 (2002).

review of the list submitted by Zardecki in his application for review provides no indication that any further responsive records remain in the Commission's possession. Upon receipt of the application for review, EB reviewed its records in light of Zardecki's assertions, but located no additional responsive records. EB therefore fulfilled its obligations under the FOIA.

4. Accordingly, IT IS ORDERED that George J. Zardecki's application for review is DENIED. Zardecki may seek judicial review of the denial of his FOIA request pursuant to 5 U.S.C. § 552(a)(4)(B).

5. The following officials are responsible for this action: Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary