



CFTC FOIA Office
 Three Lafayette Centre 1155 21st Street NW
 Washington, DC 20581

Report Date: 09/28/2023
Time: 7:23 AM

2. Quarterly Report (Closed During Quarter)
Closed between 10/01/2015 and 09/28/2023

Request ID	Final Disposition	Request Description
18-00024-FOIA	Denied in Full	(1) Confirmation that the final orders and award determinations of the CFTC's Whistleblower Office that are identified on the website https://www.whistleblower.gov/orders/ constitute a full listing of all final orders and award determinations as of the date of this request. To the extent that any final orders and award determinations of the CFTC's Whistleblower Office are not identified on this website, we request that the Whistleblower Office update this website and/or produce copies of such documents in response to this FOIA request. (2) Copies of any and all documents related to contacts made by (b)(6) and/or his agents with the Whistleblower Office. Such contact may include but not be limited to (b)(6)
18-00094-FOIA	Denied in Full	Copies of records, electronic or otherwise, of the following: all tips and whistleblower submissions submitted to the CFTC's Whistleblower office, as outlined via these methods: https://www.whistleblower.gov/ . Include all tips received by the CFTC, dated January 1, 2017 through December 31, 2017.
20-00133-FOIA	Denied in Full	Any investigative report for an investigation into conduct or activities of Lorena Orozco McElwain, former Director of the Office of Minority and Women Inclusion and Director of Business Management and Planning.
21-00126-FOIA	Denied in Full	Any complaints or leads that may have led to an investigation for Saeg Capital. (Date Range for Record Search: From 7/1/2019 To 7/30/2021)
22-00057-FOIA	Denied in Full	Any and all complaints, disciplinary actions, human resources disputes, lawsuit complaints, settlements related to Eric Pan (director of the CFTC office of international affairs 2015-2019), especially with regards to an allegation of age discrimination related to firing/layoffs/early retirements. Any and all of the same with respect to Erica Richardson (CFTC 2017-2019) and Tracey Wingate (2005-2021) as well. Further requesting compensation for all three.
23-00090-FOIA	Denied in Full	I am seeking any and all records involving: - a referral of Lihong McPhail to the inspector general related to potential violations of the Commodity Exchange Act - any communications between ethics officials and the OIG related to Lihong McPhail - any referrals to the OIG in 2022 involving short selling
23-00196-FOIA	Denied in Full	I would like to search for enforcement action or other disciplinary records naming a Christoph Henkel within the records of the CFTC.

Total No of Requests : 7



FOIA Office

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

March 10, 2022

David Isenberg
Financial Times
330 Hudson Street
New York, NY 10013

RE: 22-00057-FOIA

Dear Mr. Isenberg:

This is in response to your request dated February 14, 2022 under the Freedom of Information Act seeking access to: [Any and all complaints, disciplinary actions, human resources disputes, lawsuit complaints, settlements related to Eric Pan (director of the CFTC office of international affairs 2015-2019), especially with regards to an allegation of age discrimination related to firing/layoffs/early retirements. Any and all of the same with respect to Erica Richardson (CFTC 2017-2019) and Tracey Wingate (2005-2021) as well. Further requesting compensation for all three.].¹

We can neither confirm nor deny the existence of any records responsive to your request. If they exist, records of this nature would be exempt from disclosure under FOIA Exemptions 6 and 7(C), as explained below. To even officially acknowledge the existence of investigatory records of the type that pertain to an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. If they do exist, even the very fact of their existence would be exempt from disclosure under the cited exemptions.

If responsive records exist, such records would consist of personal information, which is exempt from release under FOIA Exemption 6 because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. 5 U.S.C. § 552(b)(6); *see also The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003). In addition, such records, if they exist, would also be exempt from disclosure under FOIA Exemption 7(C), which provides protection for personal information in law enforcement records, the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C).

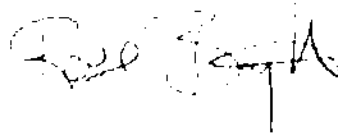
If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Bridget McFarland at 202-418-5319, or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

¹ On February 22, 2022, you narrowed the scope of your request to "any age discrimination complaints related to Eric Pan firing or laying off employees, or their resignation/retirement, during his time at CFTC."

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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, Commodity Futures Trading Commission, Three Lafayette Centre, 8th Floor, 1155 21st Street, N.W., Washington, D.C. 20581, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Bajorek", written over a light blue horizontal line.

Rosemary Bajorek
Assistant General Counsel



FOIA Office

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

March 2, 2023

Rebecca Ballhaus
Wall Street Journal
280 Park Avenue S
26A
New York, NY 10010

RE: 23-00090-FOIA

Dear Ms. Ballhaus:

This is in response to your request dated January 9, 2023 under the Freedom of Information Act seeking access to:

I am seeking any and all records involving:

- a referral of Lihong McPhail to the inspector general related to potential violations of the Commodity Exchange Act[;]
- any communications between ethics officials and the OIG related to Lihong McPhail[;]
- any referrals to the OIG in 2022 involving short selling[.]

We can neither confirm nor deny the existence of any records responsive to your request. If they exist, records of this nature would be exempt from disclosure under FOIA Exemptions 6 and 7(C), as explained below. To even officially acknowledge the existence of investigatory records of the type that pertain to an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. If they do exist, even the very fact of their existence would be exempt from disclosure under the cited exemptions.

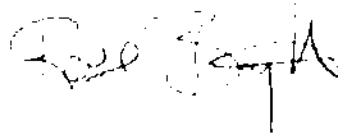
The Commission considers the foreseeable harm standard when reviewing records and applying FOIA exemptions. If responsive records exist, such records would consist of personal information, which is exempt from release under FOIA Exemption 6 because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. 5 U.S.C. § 552(b)(6); *see also The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003). In addition, such records, if they exist, would also be exempt from disclosure under FOIA Exemption 7(C), which provides protection for personal information in law enforcement records, the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C).

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Bridget McFarland at 202-418-5319, or Jonathan Van Doren, our FOIA Public Liaison, at JVanDoren@CFTC.gov.

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Sincerely,

A handwritten signature in black ink, appearing to read "Rose B. Killoy". The signature is written in a cursive style with a long, vertical tail on the final letter.

Rosemary B. Killoy
Assistant General Counsel



FOIA Office

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

July 25, 2023

Victoria Kapastin
Vellichor Consulting LLC
4234 N Damen Ave
#1
Chicago, IL 60618

RE: 23-00196-FOIA

Dear Ms. Kapastin:

This is in response to your request dated July 20, 2023 under the Freedom of Information Act seeking access to: [enforcement action or other disciplinary records naming a Christoph Henkel within the records of the CFTC.].

We can neither confirm nor deny the existence of any records responsive to your request. If they exist, records of this nature would be exempt from disclosure under FOIA Exemptions 6 and 7(C), as explained below. To even officially acknowledge the existence of investigatory records of the type that pertain to an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. If they do exist, even the very fact of their existence would be exempt from disclosure under the cited exemptions.

The Commission considers the foreseeable harm standard when reviewing records and applying FOIA exemptions. If responsive records exist, such records would consist of personal information, which is exempt from release under FOIA Exemption 6 because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. 5 U.S.C. § 552(b)(6); *see also The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003). In addition, such records, if they exist, would also be exempt from disclosure under FOIA Exemption 7(C), which provides protection for personal information in law enforcement records, the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C).

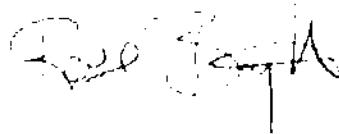
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Sincerely,

A handwritten signature in black ink, appearing to read "Rose B. Killoy". The signature is written in a cursive style with some loops and flourishes.

Rosemary B. Killoy
Assistant General Counsel



U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

FOIA Office

July 7, 2020

Shawn McGruder
(b)(6)

RE: 20-00133-FOIA

Dear Ms. McGruder:

This is in response to your request dated June 23, 2020, under the Freedom of Information Act seeking access to: [Any investigative report for an investigation into conduct or activities of Lorena Orozco McElwain, former Director of the Office of Minority and Women Inclusion and Director of Business Management and Planning.].

We can neither confirm nor deny the existence of any records responsive to your request. The FOIA provides agencies with the authority to neither confirm nor deny the existence of records in certain circumstances. To the extent that any records responsive to your request may exist, we would deny access to those records pursuant to:

FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which protects information about individuals when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy.


FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), which provides protection for law enforcement information the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact me at 202-418-5912, or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Bajorek". The signature is fluid and cursive, with a large initial "R" and "B".

Rosemary Bajorek
Attorney-Advisor



FOIA Office

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

August 5, 2021

Jordan Micheal

(b)(6)

RE: 21-00126-FOIA

Dear Mr. Micheal:

This is in response to your request dated July 28, 2021 under the Freedom of Information Act seeking access to: [Any complaints or leads that may have led to an investigation for Saeg Capital].

We can neither confirm nor deny the existence of any records responsive to your request. The FOIA provides agencies with the authority to neither confirm nor deny the existence of records in certain circumstances. To the extent that any records responsive to your request may exist, we would deny access to those records under one or more of the exemptions to the FOIA.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact me at 202-418-5912, or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Bajorek".

Rosemary Bajorek
Assistant General Counsel