

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Jeffrey T. Maehr,
Plaintiff,

v.

Internal Revenue Service;
John Vencato, IRS Revenue agent,
Defendants.

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Case #

FOIA VIOLATION COMPLAINT

Plaintiff, Pro Se, and a disabled veteran, brings this action against Defendants, Internal Revenue Service (IRS) and revenue agent John Vencato, (JV) to compel compliance by either violators with the Freedom of Information Act, (“FOIA”), under 5 U.S.C. § 552 . As grounds therefore, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) (FOIA citizen suit provision) and 28 U.S.C. § 1331 (federal question).
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

3. Defendant IRS is an agency of the United States Government, and its Disclosure Scanning Operation, where FOIA records were requested through, but not responded to, is located at Mail Stop 93A, Post Office Box 621506, Atlanta, Georgia 30362-3006. Defendant has possession of, custody of, control of and/or access to records to which Plaintiff seeks access.

4. Defendant John Vencato is a revenue agent of the IRS, directly involved with Plaintiff's case, with last known address of 301 S. Howes St., Fort Collins, CO 80521. Mr. Vencato was directly responsible for the Notice of Levy documents against Plaintiff, and is presumed have access to records which Plaintiff seeks access to.

BACKGROUND STATEMENT OF FACTS

5. FOIA requires, *inter alia*, that all federal agencies must promptly provide copies of all non-exempt agency records to those parties who make a request for records that reasonably describes the nature of the records sought, and which conform with agency regulations and procedures in requesting such records. 5 U.S.C. § 552(a)(3)(A).

6. On July 23, 2019, Plaintiff submitted a FOIA request to Defendant by U.S. certified mail seeking the following clearly defined and limited documentation:

Please send to me copies of any and all "pre-assessment documents" the IRS used for creating the tax assessment figures against me for the years 2003-2006, including any and all third party summonsed documents obtained relevant to the assessment itself, and any other relevant documents used to create and substantiate the assessment figures, the "certificate of assessment," or any other "in house" created documents by the IRS against me.

This means "evidence in fact" from which the IRS created the assessment figures, including all my relevant personal "income" or "business income" documents, personal bank documents, or any other personal or third party documents the IRS used to create the assessment figures for the stated years.

This does NOT mean copies of any "Certificate of Assessment" or "Notice of Assessment" or any other IRS "in house" created assessment documents allegedly supporting the assessment, nor documents used in notifying me of the created assessment.

This DOES include the actual documents utilized to create the assessment figures for the years stated that validates and proves the assessment figures applied against me were on lawful personal income or business profits, or other alleged income.

A true and correct copy of this first FOIA request is attached as Exhibits A1 & A2.

7. Plaintiff received a response from Defendant dated August 13th, 2019, and stamped as “Disclosure Specialist Lisa Soli, ID# 1000199298”, which stated... “This is our final response⁽¹⁾ to your Freedom of Information Act (FOIA) request dated July 23, 2019 that we received on August 2, 2019.” This response proceeded to declare reasons the IRS would not respond to Plaintiff’s FOIA request, including, “FOIA requires that requests (1) ‘reasonably describe’ the records sought” and a host of other reasons for not responding to Plaintiff’s FOIA request. A true and correct copy of Defendant’s response is attached as Exhibits B1 & B2.

8. Defendant then stated... “We encourage you to consider revising your request such that a search would not be unreasonably burdensome on the agency.” See Exhibits B1 bottom paragraph.

9. Plaintiff, already having made the first FOIA request as plain as possible and only of the necessary, and presumed existing, documents, again filed a second FOIA request by U.S. certified mail on August 20th, 2019, attempting to make the same request somehow plainer with more detailed yet very limited scope for specific documents, which was a very challenging demand. A true and correct copy is

¹ This was Plaintiff’s FIRST and ONLY FOIA Request to this office on this issue.

attached as Exhibits C1-C3.

10. This second FOIA Request was received by Defendant IRS on August 27th, 2019 as shown by the U.S. Postal Service website delivery verification. A true and correct copy of this delivery verification is attached as Exhibits D1 & D2.

11. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to determine whether to comply with the request within twenty (20) working days after the receipt of such request, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request, (5 U.S.C. § 552(a)(6)(A)(i)), and to notify Plaintiff immediately of its determination, the reasons therefore, and the right to appeal any adverse determination.

12. Defendant IRS determination regarding Plaintiff’s second “clarified” request was due by no later than September 24th, 2019, but not received by Plaintiff.

13. Plaintiff, not having received any required response within the 20 working day limit, and allowing even more time for Defendant to respond, filed a third and final FOIA Request by U.S. certified mail (a true and correct copy is attached as Exhibit E1) to Defendant on October 25, 2019, which included copies of all previous FOIA correspondence.

14. Defendant IRS received this final FOIA Request on November 5, 2019, shown by the U.S. Postal Service website delivery verification. A true and correct copy of this delivery verification is attached as Exhibits F1 & F2.

15. Defendant IRS determination (see #10 above) regarding Plaintiff’s request was

due no later than December 4th, 2019, but never received by Plaintiff.

16. Because of the delays and obvious failure of Defendant IRS to provide FOIA documents requested, and not wanting more delays, Plaintiff mailed a certified FOIA request to Defendant JV, requesting the same document information trying to obtain these critical evidence documents for his appeal. A true and correct copy is attached as Exhibits G1 & G2.

17. This FOIA Request document to JV was received by Defendant or his office on November 1st, 2019 as shown by the U.S. Postal Service website delivery verification. A true and correct copy of this delivery verification is attached as Exhibits H1 & H2.

18. Defendant JV, or his office, failed to provide determination (see #10 above), or any referral regarding Plaintiff's request which was due by no later than December 2nd, 2019, but not received by Plaintiff.

19. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of records responsive to Plaintiff's FOIA requests due to the *exculpatory* nature of the FOIA documents for Plaintiff.

20. FOIA *inculpatory* documents will verify the fraudulent assessment and ongoing lien, and levy of all Plaintiff's social security finances since February, 2016, and other related claims by Defendant to all Plaintiff's Veteran's Compensation assets.

21. Defendant's are contributing to obstruction of justice and suppression of *inculpatory* evidence against Defendants, and Plaintiff will continue to be irreparably harmed by Defendant's unlawful actions without court intervention.

22. Either of the Defendant's should be compelled to conform conduct to the requirements of the law and not withhold evidence, especially *exculpatory* evidence strenuously sought for from Defendant IRS in a previous case (18-cv-02273 - District Court for the District of Colorado), and also as evidence for a pending Appeal's Court case, 19-1335, U.S. Court of Appeals, 10th Circuit, but Plaintiff was denied this discovery to date.⁽²⁾

23. As of the date of this complaint, Defendant JV, or his office, has failed to provide documents responsive to the FOIA request, and Defendant IRS has failed on all three ROIA requests. Both have failed to:

- (i) determine whether to comply with the requests;
- (ii) notify Plaintiff of any such determination or the reasons therefor;
- (iii) advise Plaintiff of the right to appeal any adverse determinations; or
- (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

² Federal Rules of Civil Procedure, Rule 26. Duty to Disclose; (a)(1)(e) *Basis for Initial Disclosure; Unacceptable Excuses*. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures; Federal Rules of Civil Procedure, Rule 26. Duty to Disclose; (A)(4)(b)(1) DISCOVERY SCOPE AND LIMITS. (1) *Scope in General*. Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

24. More than 20 days having come and gone as of December 5th, 2019, (date of this complaint mailing). FOIA, *inter alia*, provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. Plaintiff brings this complaint against Defendant for, at least, three instances of FOIA violations.

25. Because Defendants have failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

26. Under FOIA, the Defendants have the burden to sustain their actions. 5 U.S.C. § 552(a)(4)(B).

27. Pursuant to FOIA, this Court may assess litigation costs against the Defendant's if the Plaintiff prevails in this action. 5 U.S.C. § 552(a)(4)(E).

28. Unless enjoined by this Court, Defendants will continue to be damaged, and Plaintiff's legal rights to be provided with copies of the exculpatory records which he has requested in his FOIA requests described in exhibit documents herein, violated.

29. Plaintiff has been required to expend many hours of time to do research for bringing this complaint, to prosecute this action, and expend money for related costs, and which takes away his time for actually trying to make a living.

30. Plaintiff is entitled to reasonable costs of litigation, including hours spent in research, mailing costs, travel time to post office, gas, and other relevant costs.

CLAIM FOR RELIEF

Three violations of FOIA, 5 U.S.C. § 552, as of

September 25th, 2019 , December 2nd, 2019 and December 5th, 2019

31. Plaintiff realleges paragraphs 1 through 30 as if fully stated herein.

32. Defendant's IRS and JV have violated FOIA by failing to provide Plaintiff with any lawful response or any nonexempt responsive *exculpatory/inculpatory* records for his August 20th, 2019, and October 25th 2019 and October 29th, 2019 FOIA requests pursuant to 5 U.S.C. § 552.

WHEREFORE, Plaintiff respectfully requests that the Court:

- (i) Declare that Defendants have violated FOIA;
- (ii) Order either relevant Defendant to conduct an immediate reasonable search for any and all responsive records to Plaintiff's simple FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of all *exculpatory/inculpatory* records responsive to Plaintiff's FOIA requests;
- (iii) Order either relevant Defendant to produce, by a specified date, any and all non-exempt records to Plaintiff's FOIA requests, and a *Vaughn* index of any responsive records withheld under claim of exemption, both at no charge to Plaintiff;
- (iv) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests;
- (v) Grant Plaintiff an award of any costs reasonably incurred in this action

pursuant to 5 U.S.C. § 552(a)(4)(E);

(vi) Grant Plaintiff such other relief as the Court deems just and proper to prevent Defendant's recidivism and future blocking of the public's right to vital documents.

Date: December 5th, 2019

Respectfully submitted,



Jeffrey T. Maehr

924 E. Stollsteimer Rd

Pagosa Springs, Colorado 81147

970-731-9724

CERTIFICATE OF SERVICE

Plaintiff, Jeffrey T. Maehr, herein certifies that he has sent a true and complete copy of this FOIA Complaint to the Defendants via U.S. Mail, at the below listed addresses:

1. IRS, Disclosure Scanning Operation, Mail Stop 93A, Post Office Box 621506, Atlanta, Georgia 30362-3006.
2. John Vencato, IRS Revenue Agent 301 S. Howes St., Fort Collins, CO 80521.

Date: December 5th, 2019



Exhibit A1

Internal Revenue Service
Disclosure Scanning Operation
Mail Stop 93A
Post Office Box 621506
Atlanta, Georgia 30362-3006

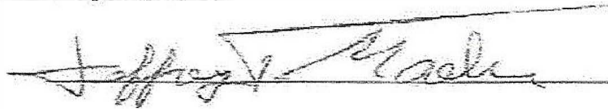
COPY

RE: Jeffrey Thomas Maehr,
SSN: 326-48-4743, DOB 04/18/1953
924 E. Stollsteimer Rd.,
Pagosa Springs, Colorado [81147] **FOIA REQUEST**

This is a request for information pursuant to the Freedom of Information Act and Privacy Act, 5 U.S.C. §§ 552 and 552(a) and the regulations thereunder. This is my firm promise to pay costs and fees for the reproduction and certification of documents responsive to this request upon your billing, should the costs be lawful. I am not waiving personal inspection of the documents.

1. Please send to me copies of any and all "pre-assessment documents" the IRS used for creating the tax assessment figures against me for the years 2003-2006, including any and all third party summonsed documents obtained relevant to the assessment itself, and any other relevant documents used to create and substantiate the assessment figures, the "certificate of assessment," or any other "in house" created documents by the IRS against me.
2. This means "evidence in fact" from which the IRS created the assessment figures, including all my relevant personal "income" or "business income" documents, personal bank documents, or any other personal or third party documents the IRS used to create the assessment figures for the stated years.
3. This does **NOT** mean copies of any "Certificate of Assessment" or "Notice of Assessment" or any other IRS "in house" created assessment documents allegedly supporting the assessment, nor documents used in notifying me of the created assessment.
4. This **DOES** include the actual documents utilized to create the assessment figures for the years stated that validates and proves the assessment figures applied against me were on lawful personal income or business profits, or other alleged income.

Executed on July 23, 2019.



Jeffrey T. Maehr

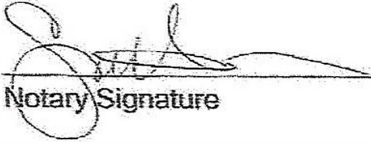
Exhibit A2

NOTARY WITNESS

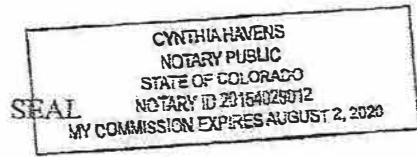
I declare under penalty of perjury that the foregoing FOIA document to the Internal Revenue Service, Disclosure Scanning Operation, for pre-assessment documentation was presented before me by Jeffrey T. Maehr, known to me to be the person stated, and acknowledged this document on this 23rd day of July, 2019, and being sent via certified mail # 7017-3040-0001-1644-0194.

Cynthia Havens

Notary Printed Name



Notary Signature





PRIVACY, GOVERNMENTAL
LIAISON AND DISCLOSURE

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

Exhibit B1

August 13, 2019

copy

Jeffrey Maehr
924 E Stollsteimer Road
Pagosa Springs, CO 81147

Dear Jeffrey Maehr:

This is our final response to your Freedom of Information Act (FOIA) request dated July 23, 2019 that we received on August 2, 2019.

You requested copies of any and all "pre-assessment documents" the IRS used for creating the tax assessment figures against you for tax years 2003 through 2006.

The FOIA requires that requests (1) "reasonably describe" the records sought and (2) be made in accordance with published agency rules. 5 U.S.C § 552(a)(3)(A). IRS regulations at Treas. Reg. § 601.702(c)(5)(i), require that the request describe the documents in sufficient detail to enable us to locate the records "without placing an unreasonable burden upon the IRS." The rationale behind this requirement is that the FOIA is not intended to reduce agency personnel to investigators on behalf of the requesters or to allow requesters to conduct "fishing expeditions" through agency files. Dale v. IRS, 238 F. Supp. 2d 99, 104-05 (D.D.C. 2002) holding that a request seeking "any and all documents . . . that refer or relate in any way" to the requester failed to reasonably describe records sought and "amounted to an all-encompassing fishing expedition of files at Internal Revenue Service offices across the country, at taxpayer expense." Additionally, FOIA does not require agencies to conduct legal research. See Lamb v. IRS, 871 F. Supp 301, 304 (E.D. Mich. 1994) finding that requests are outside the scope of FOIA when they require legal research, are unspecific, or seek answers to interrogatories.

We encourage you to consider revising your request such that a search would not be unreasonably burdensome on the agency. You may find the IRS guide to making FOIA requests helpful in formulating your request. It is available at the following link:
http://www.irs.gov/pub/irs-utl/irs_foia_guide.pdf.

You may contact the FOIA Public Liaison, Jason Angelotti, to discuss your request at:

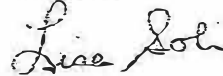
7850 SW 6th Ct, Stop 4030, Plantation FL 33324-3202
954-991-4022

2 Exhibit B2

The FOIA Public Liaison responds to FOIA and Privacy Act requests for copies of documents maintained by the IRS. There is no provision in either Act to resolve tax, collection, or processing issues and our staff is not trained to answer questions regarding those issues. If you need assistance with tax related issues you may call the IRS toll free number at 1-800-829-1040.

If you have any questions please call Disclosure Specialist Lisa Soli ID # 1000199298, at 267-941-6326 or write to: Internal Revenue Service, Disclosure Scanning Operation -- Stop 93A, PO Box 621506, Atlanta, GA 30362. Please refer to case # F19214-0045.

Sincerely,



Lisa Soli
Disclosure Specialist
Disclosure Office 2

COPY

Internal Revenue Service
Disclosure Scanning Operation
Mail Stop 93A, Post Office Box 621506
Atlanta, Georgia 30362-3006

Exhibit C1

7017 3040 0001 1644 0248

RE: # F19214-0045

Jeffrey Thomas Maehr,
SSN: 326-48-4743, DOB 04/18/1953
924 E. Stollsteimer Rd.,
Pagosa Springs, Colorado [81147]
970-7312-9724

FOIA REQUEST

I received your response to my first FOIA request, (copy attached) and I consider said evasive response to be an attempt to delay providing lawful FOIA documents which were simply described, and self-explanatory.

Once again, this is a request for information pursuant to the Freedom of Information Act and Privacy Act, 5 U.S.C. §§ 552 and 552(a) and the regulations thereunder. This is my firm promise to pay costs and fees for the reproduction and certification of documents responsive to this request upon your billing, should the costs be lawful. I am not waiving personal inspection of the documents.

There really is no other way to describe a simple set of documents that the IRS allegedly utilized in creating the assessment for the years 2003-2006. This FOIA is for the basic, essential "pre-assessment documents" the IRS used for creating the tax assessment figures against me for the years 2003-2006.

This request is reasonable, and need only include the basic documents the IRS lawfully had to have used in creating the assessment for the described years. **EITHER THESE DOCUMENTS EXIST, OR THEY DO NOT.** This simple and lawful request is not "placing an unreasonable burden upon the IRS" since it can only be plain evidence the IRS has in its possession in order to lawfully create the assessments for said years.

The first FOIA, and this second FOIA request...

- a) "'reasonably describes' the records",
- b) "describes the documents in sufficient detail to enable us to locate the records 'without placing an unreasonable burden upon the IRS'",
- c) is not any attempt to "allow requesters to conduct 'fishing expeditions' through agency files. Dale v. IRS, 238 F. Supp. 2d 99, 104-05 (D.D.C. 2002)",
- d) is NOT a request for "an all-encompassing fishing expedition of files at Internal Revenue Service offices across the country, at taxpayer expense", and
- e) is clearly NOT a request for "legal research" of any kind.

My first FOIA made it clear the exact documents I am looking for... Documents which must be

COPY

EXHIBIT C2

in IRS possession and relate to a very specific request regarding a very specific assessment against me.

The FOIA documents in questions must consist of one or more of the following:

1. Copies of the limited documents obtained by the IRS (if any) from all third party summonsed records for which I filed suit to quash in the past **WHICH THE IRS USED FOR SAID ASSESSMENT.**

2. Any other financial documents obtained by the IRS **ONLY** which **IT ALLEGEDLY UTILIZED IN CREATING THE ASSESSMENT FOR THE ALLEGED YEARS STATED ABOVE,** (if any).

3. This would simply and plainly be relevant documents used **TO CREATE AND SUBSTANTIATE THE ASSESSMENT FIGURES, AND THE "CERTIFICATE OF ASSESSMENT" SENT TO THE U.S. SECRETARY OF STATE,** (if any).

4. **THIS MEANS "EVIDENCE IN FACT" FROM WHICH THE IRS CREATED THE ASSESSMENT FIGURES,** including relevant personal "income" or "business income" documents, personal bank documents, or other personal or third party documents (not summonsed), if any, **THE IRS USED TO CREATE THE ASSESSMENT FIGURES FOR THE STATED YEARS,** (if any).

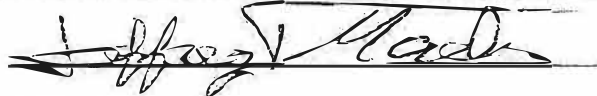
5. This does **NOT** mean copies of any "Certificate of Assessment" or "Notice of Assessment" or any other IRS "in house" created assessment documents allegedly **supporting** the assessment, nor documents used in notifying me of the created assessment.

6. **THIS DOES INCLUDE ONLY THE ACTUAL DOCUMENTS (IF ANY) UTILIZED TO CREATE THE ASSESSMENT FIGURES FOR THE YEARS STATED THAT VALIDATES AND PROVES THE ASSESSMENT FIGURES APPLIED AGAINST ME WERE ON LAWFUL PERSONAL INCOME OR BUSINESS PROFITS, OR OTHER ALLEGED INCOME.**

7. To reiterate, this is merely a request for the simple documents ((if any) the IRS used to assess Jeffrey T. Maehr for the tax years 2003-2006, nothing more, nothing less... **JUST THE ALLEGED DOCUMENTS USED IN GENERATING/CREATING/MANUFACTURING, OR IN ANY OTHER WAY, PRODUCING THE STATED ASSESSMENT AGAINST ME.**

8. This does **NOT** mean I am requesting the IRS to provide "any and all documents"... but **ONLY** the limited and specific documents pertaining to the assessment for the years 2003-2006, inclusive. **If said documents do not exist, please state so clearly and unambiguously.**

Executed on August 20th, 2019.



Jeffrey T. Maehr

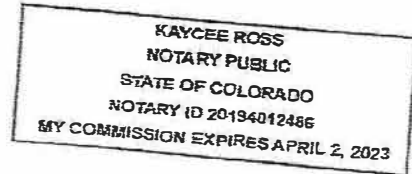
COPY Exhibit C3

NOTARY WITNESS

I declare under penalty of perjury that the foregoing FOIA document to the Internal Revenue Service, Disclosure Scanning Operation, for pre-assessment documentation was presented before me by Jeffrey T. Machr, known to me to be the person stated, and acknowledged this document on this 20th day of August, 2019, and being sent via certified mail # 7017-3040-0001-1644-0248.

Kaycee Ross
Notary Printed Name

Kaycee Ross
Notary Signature



SEAL

COPY

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Exhibit D1

Track Another Package +

Tracking Number: 70173040000116440248

Remove X

Your item was delivered at 11:23 am on August 27, 2019 in ATLANTA, GA 30362.

Delivered

August 27, 2019 at 11:23 am
Delivered
ATLANTA, GA 30362

Get Updates 

Feedback

Text & Email Updates 

Tracking History 

August 27, 2019, 11:23 am
Delivered
ATLANTA, GA 30362

Your item was delivered at 11:23 am on August 27, 2019 in ATLANTA, GA 30362.

August 27, 2019, 4:10 am
Arrived at Unit
ATLANTA, GA 30340

August 26, 2019
In Transit to Next Facility

August 25, 2019, 3:58 am
Departed USPS Regional Destination Facility

COPY

ATLANTA GA DISTRIBUTION CENTER

Exhibit 22

August 24, 2019, 6:19 pm
Arrived at USPS Regional Destination Facility
ATLANTA GA DISTRIBUTION CENTER

August 22, 2019, 5:09 am
Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

August 21, 2019, 10:46 pm
Arrived at USPS Regional Origin Facility
DENVER CO DISTRIBUTION CENTER

August 21, 2019, 12:15 pm
Departed Post Office
PAGOSA SPRINGS, CO 81147

August 20, 2019, 3:34 pm
USPS in possession of item
PAGOSA SPRINGS, CO 81147

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

COPY

EXHIBIT E1

Internal Revenue Service
Disclosure Scanning Operation
Mail Stop 93A, Post Office Box 621506
Atlanta, Georgia 30362-3006

RE: # F19214-0045
Jeffrey Thomas Maehr,
SSN: 326-48-4743, DOB 04/18/1953
924 E. Stollsteimer Rd.,
Pagosa Springs, Colorado [81147]
970-7312-9724

7017 3040 0001 1644 0316

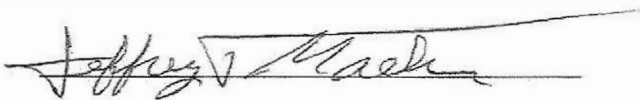
OCT. 25, 2019

THIRD/FINAL FOIA REQUEST

I filed a second FOIA request dated August 20th, 2019, (USPS Cert # 7017-30 40-0001-1644-0248) and received by this agency on August 27th, 2019. To date, I have not received any response within the 20 day time limit. Record of all requests are below. Unless I receive a response to this FOIA, suit will be brought before the U.S. District Court in Colorado for FOIA violations and failure to provide documents requested.

Any response by this agency now will be free of any copy costs or other costs per FOIA rules.

Previously filed documents are attached below.



Jeffrey T. Maehr



COPY

[FAQs >](#)

Exhibit F1

Track Another Package +

Tracking Number: 70173040000116440316

[Remove X](#)

Your item was delivered at 3:03 pm on November 5, 2019 in ATLANTA, GA 30362.

Delivered

November 5, 2019 at 3:03 pm
Delivered
ATLANTA, GA 30362

Get Updates

Feedback

Text & Email Updates

Tracking History

November 5, 2019, 3:03 pm

Delivered
ATLANTA, GA 30362

Your item was delivered at 3:03 pm on November 5, 2019 in ATLANTA, GA 30362.

November 5, 2019, 3:03 pm

Arrived at Unit
ATLANTA, GA 30340

November 5, 2019, 8:36 am

Arrived at USPS Regional Destination Facility
ATLANTA-PEACHTREE GA DISTRIBUTION CENTER

Exhibit 2

November 4, 2019
In Transit to Next Facility

November 2, 2019, 7:58 pm
Arrived at USPS Regional Destination Facility
ATLANTA GA DISTRIBUTION CENTER

October 30, 2019, 5:25 am
Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

October 29, 2019, 9:35 pm
Arrived at USPS Regional Origin Facility
DENVER CO DISTRIBUTION CENTER

October 28, 2019, 12:37 pm
Departed Post Office
PAGOSA SPRINGS, CO 81147

October 28, 2019, 10:02 am
USPS in possession of item
PAGOSA SPRINGS, CO 81147

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

John Vencato/IRS Revenue Officer
301 S. Howes St.,
Fort Collins, CO 80521

COPY

EXHIBIT G1

October 29th, 2019

FOIA Request

RE: Social Security number: 326-48-4743

Dear Mr. Vencato, (or attending Internal Revenue Agent),

This is a request for information pursuant to the Freedom of Information Act (FOIA) and Privacy Act, 5 U.S.C. §§ 552 and 552(a) and the regulations thereunder for the alleged tax years 2003, 2004, 2005 and 2006. This FOIA is for the basic, essential "pre-assessment documents" you and the IRS used for creating the tax assessment figures, liens and levies against me for the above years.

This request is reasonable, clear, limited, and need only include the basic documents you and the IRS lawfully had to have used in creating the assessment for the described years. This simple and lawful request is not "placing an unreasonable burden upon you or the IRS" since it can only be plain evidence the IRS has in its possession in order to lawfully create the assessments for said years.

The FOIA request...

- a) "reasonably describes' the records",
- b) "describes the documents in sufficient detail to enable you to locate the records 'without placing an unreasonable burden upon the IRS'",
- c) is not any attempt to "allow requesters to conduct 'fishing expeditions' through agency files. *Dale v. IRS*, 238 F. Supp. 2d 99, 104-05 (D.D.C. 2002)",
- d) is NOT a request for "an all-encompassing fishing expedition of files at Internal Revenue Service offices across the country, at taxpayer expense", and
- e) is clearly NOT a request for "legal research" of any kind.

This request **does NOT** mean copies of any "Certificate of Assessment" or "Notice of Assessment" or "Notice of Levy or Lien" or any other IRS "in house" created assessment documents allegedly supporting the assessment, **nor does it include** any documents used in "notifying" me of the created assessment, levies or liens.

This **DOES include** the actual documents utilized to create the financial assessment figures for the years stated that validates and shows the assessment figures applied against me were assessed on lawful "*personal income*" or "*business profits*", or other alleged *income*.

The FOIA documents in questions must consist of one or more of the following:

Vencato FOIA Request - Pre-assessment Documents

Page 1 of 3

Exhibit G2

1. Copies of the limited documents obtained by the IRS (if any) from all third party summonsed records **WHICH THE YOU USED FOR SAID ASSESSMENT AND SIGNED LEVIES/LIENS AGAINST Jeffrey T. Maehr.**

2. Any other financial documents (if any) obtained by the IRS **ONLY** which **YOU ALLEGEDLY UTILIZED IN CREATING THE ASSESSMENT AND SIGNED LEVIES/LIENS FOR THE ALLEGED YEARS STATED ABOVE.**

3. This would simply and plainly be relevant documents (if any) used **TO CREATE AND SUBSTANTIATE THE ASSESSMENT FIGURES, AND SIGNED LIENS AND LEVIES YOU USED AGAINST Jeffrey T. Maehr, AND THE "CERTIFICATE OF ASSESSMENT" SENT TO THE U.S. SECRETARY OF STATE.**

4. **THIS MEANS ONLY "EVIDENCE IN FACT" DOCUMENTS (if any) WHICH THE YOU CREATED THE ASSESSMENT FIGURES FROM,** including relevant personal "income" or "business income" documents, personal bank documents, or other personal or third party documents (not summonsed), if any, **YOU USED TO CREATE THE ASSESSMENT FIGURES FOR THE STATED YEARS AGAINST Jeffrey T. Maehr.**

5. To reiterate, this is merely a request for the simple documents (if any) the IRS used to assess Jeffrey T. Maehr for the alleged tax years 2003 through 2006, nothing more, nothing less... **JUST THE ALLEGED DOCUMENTS YOU USED IN GENERATING, CREATING, MANUFACTURING, OR IN ANY OTHER WAY, PRODUCING THE STATED ASSESSMENT AND SIGNED LEVIES, AND LIENS AGAINST Jeffrey T. Maehr.**

6. This does NOT mean Jeffrey T. Maehr is requesting the YOU/IRS to provide "any and all documents" in its possession, but **ONLY the limited and specific documents** pertaining to the assessment for the alleged tax years 2003 through 2006.

If said documents do not exist, please state so clearly and unambiguously.

7. Failure to comply with this FOIA request will result in suit filed in Federal Court.

Executed on October 29th, 2019.



Jeffrey T. Maehr
924 E. Stollsteimer Rd.,
Pagosa Springs, CO 81147

NOTARY WITNESS

Exhibit G3

I declare under penalty of perjury that the foregoing FOIA document to John Vencato, Internal Revenue Service agent, for pre-assessment documentation, was presented before me by Jeffrey T. Machr, known to me to be the person stated, and who acknowledged this document and facts on this 29th day of October, 2019, and being sent via **certified mail # 7017-3040-0001-1644-0323**.

Deirdre M McFatridge

Notary Printed Name

Deirdre M. McFatridge

Notary Signature

SEAL

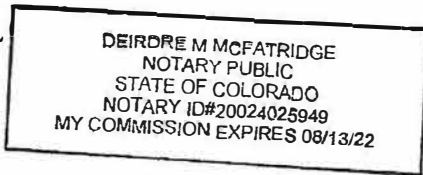




Exhibit H1

[FAQs >](#)

Track Another Package +

Tracking Number: 70173040000116440323

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 3:07 pm on November 1, 2019 in FORT COLLINS, CO 80521.

Delivered

November 1, 2019 at 3:07 pm
Delivered, Front Desk/Reception/Mail Room
FORT COLLINS, CO 80521

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Tracking History ▲

November 1, 2019, 3:07 pm
Delivered, Front Desk/Reception/Mail Room
FORT COLLINS, CO 80521

Your item was delivered to the front desk, reception area, or mail room at 3:07 pm on November 1, 2019 in FORT COLLINS, CO 80521.

November 1, 2019, 11:04 am
Out for Delivery
FORT COLLINS, CO 80521

Exhibit #2

October 31, 2019, 3:54 pm
Departed USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

October 30, 2019, 10:08 pm
Arrived at USPS Regional Facility
DENVER CO DISTRIBUTION CENTER

October 30, 2019, 12:17 pm
Departed Post Office
PAGOSA SPRINGS, CO 81147

October 29, 2019, 3:39 pm
USPS in possession of item
PAGOSA SPRINGS, CO 81147

Product Information

Feedback
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FAQs