



United States Department of State

Washington, D.C. 20520

July 5, 2022

Case No. FL-2014-06088

Mr. Jason I. Poblete  
Poblete Tamargo LLP  
Courthouse Square  
510 King Street, Suite 350  
Alexandria, Virginia 22314

Dear Mr. Poblete:

We refer you to our letter dated June 2, 2022, regarding the release of certain Department of State (“Department”) records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department has identified four additional responsive records subject to the FOIA. We have determined that one record can be released in full and three records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Jeremy S. Simon at (202) 252-2528 or [Jeremy.Simon@usdoj.gov](mailto:Jeremy.Simon@usdoj.gov). Please refer to the case number, F-2014-06088, and the civil action number, 18-cv-02335, in all correspondence regarding this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diamonece Hickson', written in a cursive style.

Diamonece Hickson  
Acting Chief, Litigation and Appeals Branch  
Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:  
(A) interfere with enforcement proceedings  
(B) deprive a person of a fair trial  
(C) constitute an unwarranted invasion of personal privacy  
(D) disclose confidential sources  
(E) disclose investigation techniques  
(F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

**From:** Kovar, Jeffrey D </o=SBUState/ou=Geneva AG/cn=Recipients/cn=KovarJD>  
**Sent:** Monday, November 16, 2015 9:16 AM  
**To:** Simcock, Julian C <SimcockJC@state.gov>; Grosh, Lisa J <GroshLJ@state.gov>  
**Subject:** FW: Cuba Claims -- Request for Meeting

RELEASE IN  
PART B6

Julian/Lisa - I asked John to keep the date under his hat, but he didn't seem to get the point. In any case, Wednesday morning Dec. 2<sup>nd</sup> is that only day I am conflicted out that week. - Jeff

-----Original Message-----

From: Bellinger III, John B. [redacted]  
Sent: Monday, November 16, 2015 9:09 AM  
To: Kovar, Jeffrey D; Grosh, Lisa J  
Cc: david.bowker [redacted]; Daniel.Kearney [redacted]  
Subject: Cuba Claims -- Request for Meeting

B6

Hi Jeff and Lisa:

Further to David Bowker's and my email exchanges with Jeff last week, we would like to request a meeting with you and Mary during the week of November 30 before the first claims settlement meeting with the Cubans on December 8.

Our respective clients (Cuban Electric and Bank America) would fly in for the meeting. They have asked if you and Mary would be available Tuesday, Wednesday, or Thursday (until early afternoon), December 1-3.

We look forward to exchanging thoughts before the December 8 meeting.

Warm regards,

John

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter LLP, click here:  
<http://redirect.state.sbu/?url=http://www.arnoldporter.com>

This email is UNCLASSIFIED.



RELEASE IN  
PART B6

United States Department of State

*Bureau of Western Hemisphere Affairs*

*Washington, D.C. 20520-6258*

May 15, 2012

Mr. Nicolás J. Gutiérrez, Jr., Esq.  
Gutiérrez & Franco LLP  
Douglas Entrance, South Tower  
806 S. Douglas Road, Suite 625  
Coral Gables, FL 33134

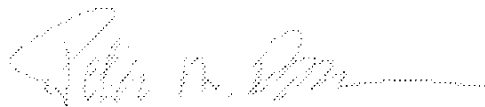
Dear Mr. Gutiérrez:

Thank you for your letter of April 13 to Assistant Secretary of State for Western Hemisphere Affairs Roberta Jacobson regarding enforcement of Title IV of the LIBERTAD Act in regard to Grupo Sol Meliá, Bouygues Construction Group, and Standing Feather International, Inc. Assistant Secretary Jacobson asked that I respond on her behalf.

The Department reviews cases alleging trafficking in confiscated property in Cuba on an ongoing basis. Title IV of the LIBERTAD Act and the Department's implementing regulations set forth various factors necessary to a determination trafficking in confiscated property has taken or is taking place. As you know, among these are the requirements that any qualifying acts of trafficking occurred subsequent to the entry into force of LIBERTAD, and that trafficking or involvement with the confiscated property has not ceased at the time of determination. The Department continuously and meticulously examines the facts and documents in its possession in each case, in order to determine whether to make a trafficking determination. Arriving at a final determination can often be a lengthy process.

I hope this addresses your concerns. Please feel free to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter M. Brennan".

Peter M. Brennan  
Coordinator  
Office of the Coordinator for Cuban Affairs  
U.S. Department of State

Drafted: WHA/CCA – GTorresVela, \*7-7488



B6

S:\CCA\CHR 2012\CHRON - CORRESPONDENCE\2012-05-05 Title IV - Reply to Nicolas Guierrez\2012-05-05 Title IV - Reply to Gutierrez.docx

Approved: WHA

Cleared: WHA/FO:	PBrennan, Acting (ok)	
WHA/CCA:	CEnav (ok)	
WHA/CCA:	Thall (ok)	
L/WHA:	JBischoff (ok)	
EB/TFS:	JMKlein (ok)	
EUR/WE:	DmcCawle (FR) (info)	
EUR/WE:	Mgillen/ DMaroney (SP)	(ok)
WHA/CAN:	Jkastning (ok)	

**From:** Rogers-Springs, Mary Brett <Rogers-SpringsMB@state.gov>  
**Sent:** Wednesday, November 19, 2014 4:16 PM  
**To:** Murday, Megan <MurdayM@state.gov>  
**Cc:** Melamud, Anna <MelamudA@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>;  
Wygowski, Seth A <WygowskiSA@state.gov>  
**Subject:** MEGAN ACTION: Confirmed Thursday @ noon - Meeting on Certified Cuba Claims  
Request for Guidance  
**Attach:** 2014\_08\_28 OFAC RFG.PDF

RELEASE  
IN FULL

Megan:

Could you please locate an appropriate conference room for an 8-10 person meeting at noon tomorrow (Thursday, November 20)?

Please also do an access request for the four people below (full bios are in the attachment)...if you are available, please plan on escorting them up...let me know if you cannot do it. We can figure out how to get them out of the building after the meeting (we'll be headed to the Brothers to the Rescue meeting) – maybe we can tap Vickie.

Thanks,  
Mary Brett

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**From:** Mr. Jason Ian Poblete [mailto:jpoblete@pobletetamargo.com]  
**Sent:** Monday, November 10, 2014 11:23 AM  
**To:** Rogers-Springs, Mary Brett  
**Cc:** Alston, Vickie; Melamud, Anna; Wygowski, Seth A  
**Subject:** Re: November 18 @ 2:00 pm - TBC - Meeting on Certified Cuba Claims Request for Guidance

Mary Brett,

Confirmed. On our end it will be Mauricio Tamargo, Juan O'Naghten, Edward Farah, and me.

Thank you,

Jason

On Nov 10, 2014, at 11:05 AM, Rogers-Springs, Mary Brett <Rogers-SpringsMB@state.gov> wrote:

We are holding the 18<sup>th</sup> @ 2:00 pm – please let us know if you can confirm. Please note that we will need a list of participants (name/company/title) to facilitate access to the main State Department Building (2201 C Street NW).

Thanks, Mary Brett

**Mary Brett Rogers-Springs**  
Chief of Economic Unit  
Office of the Coordinator for Cuban Affairs  
Bureau of Western Hemisphere Affairs  
U.S. Department of State  
[rogers-springsmb@state.gov](mailto:rogers-springsmb@state.gov)  
202.647.5561

---

**From:** Jason Poblete [<mailto:jpoblete@pobletetamargo.com>]  
**Sent:** Friday, November 07, 2014 2:44 PM  
**To:** Rogers-Springs, Mary Brett  
**Subject:** Re: Certified Cuba Claims; Mtg., Request for Guidance

Thank you. Can you hold the 18th, so I can confirm with one of our folks in Miami who is on travel right now?  
Regards,

**Jason I. Poblete**  
Attorney at Law  
Poblete Tamargo LLP  
1020 16th Street, N.W., Suite 700  
Washington, DC 20036  
P 202.558.9643  
W [pobletetamargo.com](http://pobletetamargo.com)  
T [@pobletetamargo](mailto:@pobletetamargo)

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On Nov 7, 2014, at 2:29 PM, "Rogers-Springs, Mary Brett" <[Rogers-SpringsMB@state.gov](mailto:Rogers-SpringsMB@state.gov)> wrote:

Dear Mr. Poblete:

Following up on my voicemail message, we would like to try to schedule a meeting to discuss your proposal regarding certified Cuba claims.

We think it would be useful to have participants from our legal team and the Office of Cuban Affairs, and would propose the follow two options for meeting times:

Wednesday, November 12 @ 4:00 pm; or  
Tuesday, November 18 @ 2:00 pm

We can host at our offices – please let us know which time is most convenient for you.

Do not hesitate to contact me if you have any questions.

Sincerely,  
Mary Brett

**Mary Brett Rogers-Springs**  
Chief of Economic Unit  
Office of the Coordinator for Cuban Affairs  
Bureau of Western Hemisphere Affairs  
U.S. Department of State  
[rogers-springsmb@state.gov](mailto:rogers-springsmb@state.gov)  
202.647.5561



**From:** Mr. Jason Ian Poblete [<mailto:jpoblete@pobletetamargo.com>]  
**Sent:** Thursday, November 06, 2014 01:31 PM Eastern Standard Time  
**To:** Wells, Mark A (Cuban Affairs)  
**Cc:** Juan T. O'Naghten <[juan.T.ONaghten@ondlaw.com](mailto:juan.T.ONaghten@ondlaw.com)>  
**Subject:** Fwd: Certified Cuba Claims; Mtg., Request for Guidance

Mr. Wells,

Greetings. At Juan's recommendation, I'm following up on the appended matter. Will you or someone in your office be available in the near future to discuss?

Regards and thank you,

Jason

Begin forwarded message:

**From:** "Mr. Jason Ian Poblete" <[jpoblete@pobletetamargo.com](mailto:jpoblete@pobletetamargo.com)>  
**Subject:** Certified Cuba Claims; Mtg., Request for Guidance  
**Date:** October 7, 2014 at 2:19:28 PM EDT  
**To:** [wellsma@state.gov](mailto:wellsma@state.gov)

Mr. Wells,

Good afternoon. I was directed to you by colleagues on the House Foreign Affairs Committee. We represent various clients with certified claims against the Government of Cuba and we've submitted a Request for Guidance to Treasury OFAC that we would like to discuss with you or someone at the Cuba Desk (attached). Thank you for considering.

Regards,

Jason

**Jason I. Poblete**

Attorney at Law  
PobleteTamargo LLP  
1020 16th Street, N.W., Suite 700  
Washington, DC 20036  
P 202.558.9643  
F 202.558.9649  
E [jpoblete@pobletetamargo.com](mailto:jpoblete@pobletetamargo.com)  
W [www.pobletetamargo.com](http://www.pobletetamargo.com)

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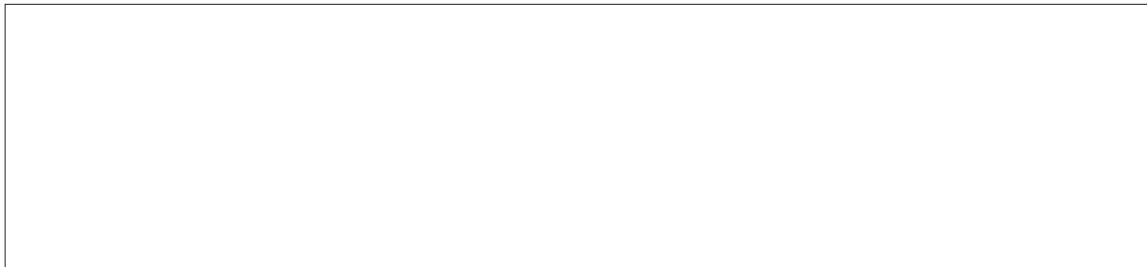
TAB H

**Cuba**

Title V of the International Claims Settlement Act of 1949, as amended [Public Law 88-666, approved October 16, 1964, 73 Stat. 1110 (22 U.S.C. 1643)] authorized the Foreign Claims Settlement Commission (Commission) to adjudicate claims of U. S. nationals against the Government of Cuba for losses from the nationalization, expropriation, intervention, or other takings of, or special measures directed against, property (as well as for disability or death of United States nationals resulting from actions taken by or under the authority of that government) that occurred between January 1, 1959 and May 1, 1967.

The Commission completed the Cuban Claims Program on July 6, 1972, and certified to the Secretary of State 5,911 claims, currently worth more than \$6 billion with interest. These claims would serve as the basis for any claims settlement negotiation with a future Cuban Government amenable to such discussions. Payment of these claims therefore awaits the negotiation and conclusion of a claims settlement agreement with Cuba. A total of 2,905 claims submitted to the Commission's Cuban Claims Program were denied certification because they lacked supporting documentation or did not have U.S. nationality.

On July 15, 2005, the Secretary of State referred an additional category of claims against Cuba for property loss to the Commission for adjudication. The category consists of claims that would have been eligible under the first program but for the fact that they did not arise by the time of the original filing deadline or were not otherwise adjudicated before that program closed. The filing deadline for these new claims was February 13, 2006. During this period, five claims were submitted to the Commission. Of the five claims, two were found to be valid and were adjudicated and certified to the Department of State.



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#99901 – Dec. 04, 2008


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#99901 – Dec. 04, 2008