

MEMORANDUM

October 14, 1997

To: Sunshine Act File (3.3.1)
Review Board File (2.11 General Counsel Certification)

From: T. Jeremy Gunn
Executive Director &
General Counsel

cc: Thomas Samoluk
Deputy Director

Subject: Designation of Ronald G. Haron, Associate General Counsel, as Sunshine Act Officer

I am authorizing Ronald G. Haron, Associate General Counsel, to attend closed meetings of the Review Board and to certify, pursuant to the requirements of the Sunshine Act, that such meetings are properly closed.

Set forth is the legal authority permitting Mr. Haron to certify that a Board meeting is properly closed: The Sunshine Act provides that the certification must be made by the "General Counsel or chief legal officer of the agency." 5 U.S.C. §552b(f)(1). The regulations of the Review Board also provide that "the General Counsel shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision." 36 C.F.R. § 1405.5(d). Under the Review Board regulations, however, the General Counsel "means the Review Board's principal legal officer, or an attorney serving as Acting General Counsel." 36 C.F.R. § 1405.2.

Accordingly, pursuant to the Review Board's Sunshine Act regulations, Mr. Haron is the principal legal officer or Acting General Counsel with respect to Sunshine Act matters, and he will attend closed Review Board meetings for the purpose of certifying that they satisfy the exemption for a closed meeting under the Sunshine Act.