



Issue Date: 15 January 2020

CASE NO.: 2019-SOX-00020

In the Matter of:

MICHAEL RILEY,
Complainant,

vs.

WELLS FARGO BANK,
Respondent.

ORDER APPROVING SETTLEMENT

This matter arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act” or “SOX”) and the regulations at 29 C.F.R. Part 1980. It is not currently set for hearing.

The parties submit for approval under 29 C.F.R. section 1980.111, subsection (d)(2), their Confidential Settlement and Mutual Release Agreement (the “agreement”) resolving the issues in this case. They represent it fully and fairly resolves all issues between them; that they have taken steps to ensure it does not require formal approval from the Office of the Comptroller of the Currency; and that the parties have agreed to maintain the confidentiality of the terms of the settlement between themselves, although they recognize it may be subject to disclosure under federal law. The agreement is signed by the parties.

The files maintained by this Office, including this agreement, are subject to disclosure under the provisions of the Freedom of Information Act (“FOIA”), unless an exemption applies. 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 3 (ARB July 22, 2013). The Department of Labor has implemented regulations that govern the FOIA process, and exemptions are determined at the time of the request, not at the time of the filing of the agreement. 29 C.F.R. Part 70; *McDowell v. Doyon Drilling Servs., Ltd.*, ARB No. 97-053, ALJ NO. 96-TSC-00008, slip op. at 2 (ARB May 19, 1997). The parties agree that the Settlement Agreement is confidential, which I construe to mean they object to any disclosure under FOIA. I order that the Settlement Agreement, be placed in a sealed and separate envelope, clearly marked with notice that the par-

ties object to disclosure and seek the procedures of 29 C.F.R. Part 70 before any release of information.

The agreement is approved, subject to the conditions set forth above.

SO ORDERED.

CHRISTOPHER LARSEN
Administrative Law Judge