

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-115**

July 8, 2020

VIA ELECTRONIC MAIL

Ms. Claudia Barber

RE: FOIA Appeal 2020-115

Dear Ms. Barber:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), challenging the failure of the Office of Administrative Hearings (“OAH”) to properly respond to two (2) public records requests which you submitted. In FOIA Appeal 2020-063, your December 12, 2019, DC FOIA request sought all communications (correspondence, emails and/or texts) in which a specific individual used a certain word during that person’s tenure with OAH. In FOIA Appeal 2020-064, your December 11, 2019, DC FOIA request sought all communications (including correspondence, emails and/or texts) about you between two individuals and any other person during a specific time period. With respect to both DC FOIA requests, OAH responded indicating that your requests were put on hold pending your advance payment of estimated fees, as permitted by D.C. Code § 2-532(b-3).¹

D.C. Official Code § 2-532(b-3) states that “[n]o agency or public body may require advance payment of any fee unless the requestor has previously failed to pay the fee in a timely fashion, or the agency or public body has determined that the fee will exceed \$250.” DC FOIA authorizes OAH to insist on an advance payment for the authorized costs for production in these two FOIA matters, which will exceed \$250. OAH informed this Office that the agency collected payment from you to satisfy its fee assessment and that it will begin to review and produce responsive records. We therefore conclude that OAH has properly responded to your requests and we hereby dismiss your appeal. However, you may file a new appeal once you have had a chance to review the agency’s response to your requests.

This is the final decision of this Office in response to your appeal. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Official Code § 2-537.

¹ A copy of OAH’s response to your appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Maia Ellis, Assistant General Counsel
OAH (via email)