

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-153**

March 18, 2021

VIA ELECTRONIC MAIL

Mr. Christopher Bangs

RE: FOIA Appeal 2020-153

Dear Mr. Bangs:

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Department on Employment Services (“DOES”) failed to respond to your FOIA request.

On February 19, 2020, you submitted a two-part FOIA request seeking the following:

1. “All records related to the three most recent [audits initiated by the Office of Wage-Hour of an employer because the employee’s wage plus tip was lower than the minimum wage], including but not limited to correspondence with each employer, any explanations or submissions provided to DOES by each employer, and records documenting the resolution of each of the audits including the amount of any payments made to employees or DOES”; and
2. “Copies of all records related to any audit of any of the Companies¹ on or after January 1, 2019, including but not limited to correspondence with any of the Companies, any explanation or submission provided by any of the Companies, and records documenting the resolution of each such audit including the amount of any payments made to employees or DOES. This request for audits encompasses the tipped minimum wage compliance audits DOES performs per its statement quoted above and any other responsive audits on which DOES has records.”

You filed your appeal with this Office on March 18, 2020, because you had not received a response to your FOIA request. On February 11, 2021, DOES filed a response to your appeal.² In the response, DOES indicated that after a diligent search, the agency did not have any

¹ You defined the Companies as “RENAISSANCE HOTEL OPERATING CO; b) TS6 Hospitality LLC; c) TSS Hospitality LLC; d) CAPITOL EMPLOYMENT SERVICES LLC; e) 5534 Connecticut LC; f) MAJESTIC GRILL INC; g) Socialite LLC; h) FEDERAL CENTER HOTEL ASSOCIATE; i) GLOVER PARK F AND B LLC; j) Glass House Coffee, LLC; and k) M&S RESTAURANT LLC.”

² A copy of the response to your appeal from DOES is attached to this decision.

responsive documents to either part of your request. Since your appeal only challenged the failure of DOES to respond to your FOIA request and DOES has now responded to your request, we dismiss your appeal as moot. However, you may file a new appeal if you are dissatisfied with the agency's response.

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

Respectfully,

Mayor's Office of Legal Counsel

cc: Tonya Robinson, General Counsel
DOES (via email)