

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-181**

September 2, 2020

VIA ELECTRONIC MAIL

Mr. G. Harold Christian

RE: FOIA Appeal 2020-181

Dear Mr. Christian:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the response from the Department of Transportation (“DDOT”) to your July 29, 2019, FOIA request, in which you sought various records related to public space permit deposits. Although DDOT failed to respond within the 15-day statutory time period, it ultimately provided documents responsive to your request.

Your appeal challenges “the agency’s failure to respond to [your] request within the statutory timeframe” and asks that you be provided all the records you seek at no cost. DDOT responded to your appeal by explaining that your request was initially overlooked by the agency during a time where the FOIA officer was out of the office.¹ DDOT explains that when you sent an email to check on the status of your FOIA request on September 9, 2019, the agency responded to ask for a FOIA reference number or your telephone number, but the agency received no answer. On September 23, 2019, the agency received a letter from you, dated September 9, which included a hard copy version of your FOIA request. The agency then acknowledged your FOIA request and noted that the initial request had inadvertently been overlooked but would be processed expeditiously. On October 7, 2019, the agency provided you with three (3) pages of responsive documents with certain privacy-related redactions. The agency did not charge you for the search.

As DDOT notes, it is unclear whether you did not receive or are unaware of the agency’s October 7 FOIA response. In either event, DDOT has agreed to resend its response to you along with the redacted responsive documents. Because DDOT has already provided you with documents responsive to your request, and has agreed to provide you with those documents again if needed, your appeal is dismissed as moot.

If you are unsatisfied with the DDOT’s redacted document production, you may file a new appeal once you have had an opportunity to review the records provided by the agency.

¹ A copy of DDOT’s response to your appeal is attached.

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 in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

cc: Karen R. Calmeise, Hearings/FOIA Officer
DDOT (via email)