

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-245**

July 6, 2021

VIA ELECTRONIC MAIL

Ms. Tiffany Montgomery

RE: FOIA Appeal 2020-245

Dear Ms. Montgomery:

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"). In your appeal, you assert that the D.C. Board of Ethics and Government Accountability ("BEGA") failed to respond to your FOIA request.

On May 18, 2020 you submitted a request for the following documents:

(1) All records, information, documents, notes, files, communications concerning the "constant emails" from me to BEGA and/or its directors after my termination as alleged by Niquelle Allen. If these records do not exist please clearly state so in your official response to this FOIA request.

(2) All records, information, documents, notes, files, communications concerning the "constant phone calls" from me to BEGA after my termination as alleged by Niquelle Allen. The date of my termination is February 7, 2020. Please provide the phone number and employee name associated with the supposed accuser(s), and clearly identify on what days I supposedly made these phone calls and what is alleged to have been stated. Please identify the phone number from which I supposedly called BEGA after my termination. I also request a copy of phone bills dating back to eight months for all phone numbers associated with this FOIA request, should such records exist. If these records do not exist please clearly state so in your official response to this FOIA request.

(3) All phone records for the DC government phones used by the following individuals for the past six months: (I) Niquelle Allen; (II) Rochelle Ford; (III) Johnnie Barton; (IV) Tyrell Dow; (V) Ashley Cooks. I request a copy of all phone records that details calls made to and from their phones, as well as the text messages on the phones.

(4) All records, information, notes, and communication concerning supposed "social media posts" that Niquelle Allen has fabricated and has accused me of making to her/BEGA. If these records do not exist please clearly state so in your official response to this FOIA request.

(5) All records, notes, communication, information, documentation, correspondences, and files made to and from BEGA to the Department of Government Services from September 2019 to present.

(6) A copy of the security complaint, if any, made by Ms. Allen against me based on her false accusation that I "physically threatened" her in the Wilson Building on the date that I before Councilman Charles Allen, which is on or around February 12, 2020. If this document does not exist, please clearly state it in your official response.

(7) All communications, notes, and records related to the accusation from BEGA that I supposedly "physically confronted" a BEGA employee after my termination. Please clearly state the employee's name, where and when this incident supposedly took place, and all security records associated therewith. If no such records exist, please clearly state so in your official response to this FOIA request.

(8) All records, notes, information, documents, details, and data related to how BEGA is recording, monitoring, and approving hours worked during the COVID-19 situation for any employees working remotely. The payments made for salaries are paid for by taxpayers and these records are subject to FOIA. I am not necessarily interested in wages paid to employees, but the structure of how the hourly wages are monitored, and approved by BEGA. Feel free to anonymize the names of the employees, but do identify the wages paid and hours worked while the employees are working remotely.

You filed an appeal on September 14, 2020, because you had not received a response to your FOIA request. On May 28, 2021, BEGA filed a response to your appeal.<sup>1</sup> In the response, BEGA indicated that it was withholding all responsive documents pursuant to D.C. Official Code § 2-534(a)(2) and § 2-534(a)(4).

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

This shall constitute 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 DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Rashee Raj, General Counsel  
BEGA (via email)

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<sup>1</sup> A copy of the response from BEGA to your appeal is attached to this decision.

