

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-252**

March 18, 2021

VIA ELECTRONIC MAIL

Mr. Kenneth McClenton

RE: FOIA Appeal 2020-252

Dear Mr. McClenton:

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 of Motor Vehicles (“DMV”) improperly responded to your FOIA request.

On September 19, 2020, you submitted a FOIA request “inquiring as to whether Doris O. Matsui, also known as Doris K. Matsui, a candidate for the United States Congress for the 6th District of California, registered vehicles or obtained a driver’s license in the District of Columbia between January 1, 1979 and November 3, 2020.”

You filed your appeal with this Office on September 24, 2020, because your FOIA request was closed without a written response. On October 9, 2020, DMV filed a response to your appeal.¹ In the response, DMV indicated that the agency responded to you request, via email, on September 21, 2020, and that sender did not receive a “bounce-back” email indicating the message was undeliverable. Additionally, in both the agency’s September 21st and October 9th responses, DMV asserted although the agency is not required to respond to questions under FOIA, the agency conducted a diligent search of its records producing no responsive records to your request.

It is unclear whether you did not receive or are unaware of the agency’s September 21st FOIA response. Since your appeal only challenged DMV’s failure to respond to your FOIA request and DMV has 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.

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

Respectfully,

Mayor's Office of Legal Counsel

cc: David Glasser, General Counsel
DMV (via email)