

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-059**

July 6, 2021

VIA ELECTRONIC MAIL

Mr. Fenit Nirappil

RE: FOIA Appeal 2021-059

Dear Mr. Nirappil:

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. Executive Office of the Mayor (“EOM”) failed to respond to your FOIA request.

On September 16, 2020, you submitted a request for “emails, text messages and messages about government business on non-governmental accounts, including Gmail and WhatsApp, related to the D.C. FACES working group (search terms can include "monuments," "confederate," "working group," "memorial," "defaces," "white house," "Facilities and Commemorative Expressions," "beverly perry" and "Richard Reyes-Gavilan"). The search may be limited to September 1 for the following individuals: Muriel Bowser, John Falcicchio, LaToya Foster, Susana Castillo, Benjamin Fritsch, Tomas Talamante and Steven Walker.” (Date Range for Record Search: From 09/01/2020 To 09/01/2020).”

You filed an appeal on January 4, 2021, because you had not received a response to your FOIA request. On February 5, 2021, EOM filed a response to your appeal.¹ In the response, EOM indicated that it had found “two WhatsApp threads” and provided you with one thread that had been “partially redacted for deliberativeness” on January 16, 2021. The agency also indicated that it fully redacted the other thread “for deliberativeness.”

Since your appeal only challenged the failure of EOM to respond to your FOIA request and EOM 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 or the records produced.

¹ A copy of the response from EOM to your appeal is attached to this decision.

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: Alana D. Burnett, Associate General Counsel
EOM (via email)