

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-064**

April 25, 2022

VIA ELECTRONIC MAIL

Ms. Rosie Stone

RE: FOIA Appeal 2021-064

Dear Ms. Stone:

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 Department of Energy and Environment (“DOEE”) failed to properly respond to your FOIA request.

On September 1, 2020, you submitted a request for “reporting and inspection records for Superior Concrete Materials located at 1721 S Capitol St SW, Washington, DC.” You filed an appeal on January 5, 2021, because you had not received a response to your FOIA request “within the required 15 day window.” We notified DOEE of your appeal on January 28, 2021 and requested a response. On February 9, 2021, DOEE filed a response to your appeal.¹ In the response, DOEE explained that due to the COVID-19 closure it was still within the statutorily permitted period to provide responsive documents. DOEE also stated it was “working to reply expeditiously to the requestor and will provide any responsive information within the time period permitted under the law (within 45 business days after January 15, 2021).”

Under D.C. Official Code § 2-532, the District of Columbia typically has fifteen (15) business days, subject to the possibility of a ten (10) business-day extension, to respond to your public record request as of the date of receipt. However due to the COVID-19 closure, this deadline was not applicable for FOIA requests made between March 11, 2020 and January 15, 2021. Under the FOIA Tolling Emergency Amendment Act of 2020 (D.C. Act 23-0555, effective December 22, 2020), a FOIA request made between March 11, 2020 and January 15, 2021 must be processed within 45 business days after January 15, 2021.

Because you filed your request with DOEE between March 11, 2020 and January 15, 2021, DOEE was still within its statutorily permitted period to provide responsive documents when it responded to your appeal. Based on the foregoing, we dismiss your appeal as moot. However, you may file a new appeal if the agency did not respond within 45 business day after January 15, 2021 or if you are dissatisfied with the records produced by the agency.

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

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: David Dickman, General Counsel
DOEE (via email)