

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-158**

September 28, 2022

VIA ELECTRONIC MAIL ONLY

Mr. Michael Lazar

RE: FOIA Appeal 2021-158

Dear Mr. Lazar:

This letter is in response to the administrative appeal that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you have challenged the response of the Office of Chief Financial Officer ("OCFO") to your April 12, 2021 FOIA request, identified as 20210412_157, which sought the following:

I am looking for the District's outstanding check listing. This should include any tax related refund checks or overpayment balances owed to companies.

On April 13, 2021 OCFO granted your request in full by providing an Excel spreadsheet which included a listing of checks, the amount of the check and the owner's name and address.

In your April 15, 2021 appeal, you have stated that the information provided is not what was requested and you "seek to obtain a listing of checks that the district has issued that were never deposited and remain uncashed." In response to your appeal, OCFO has asserted that it has provided "the most recent report of abandoned property," i.e. a listing of checks considered unclaimed property.

The appeal you have filed lacks a copy of the original request. *See* 1 DCMR § 412.4 ("An appeal to the Mayor shall be in writing and shall include: (a) Statement of the circumstances, reasons or arguments advanced in support of disclosure; (b) Copy of the original request, if any; (c) Copy of any written denial issued under § 407.2; and (d) Daytime telephone number, email address for the requester.")

While your appeal provided additional details on what you were seeking, in the absence of the original request, this Office is unable to determine whether or not it sufficiently described the documents sought. This Office is also unaware of any subsequent request submitted to OCFO or any clarification provided prior to the closure of the original request.

Based on the record before us, this Office is unable to determine the adequacy of OCFO's

response and this appeal is dismissed.

This constitutes the final decision of this Office. However, you are free to file another request with OCFO sufficiently describing the records sought and otherwise challenge any response by separate appeal to 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.

Respectfully,

Mayor's Office of Legal Counsel

cc: LaVerne Lee, OCFO FOIA Officer (by email only)