

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2021-164**

April 11, 2022

**VIA ELECTRONIC MAIL**

Mr. Lee Simon

RE: FOIA Appeal 2021-164

Dear Mr. Simon:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), on the grounds that the Department of Housing and Community Development (“DHCD”) failed to properly respond to your FOIA request.

You submitted a FOIA request to DHCD seeking “all information and paperwork including the DHCD stamped paperwork for the 714 Park Road NW Tenants Association, Inc.” DHCD produced records regarding the 714 Park Road NW Tenants Association, Inc. However, you filed an appeal with this Office because the records were not stamped “received” and “DHCD did not fill out their portion of page 8 of DHCD's form.” DHCD responded to your appeal by explaining that due to COVID-19, “employees are teleworking, and employees are not on site to date/time stamp and sign for receipt of tenant associations’ registration applications.”<sup>1</sup>

Under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Envtl. Prot. Agency*, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009). Here, DHCD has explained that the requested date/time stamped and signature of receipt versions of the documents do not exist.

Based on the foregoing, we conclude that the DHCD properly responded to your FOIA request and we hereby deny your appeal.

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 in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

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<sup>1</sup> A copy of DHCD’s response to your appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Tonya Condell, Assistant General Counsel/FOIA Officer  
DHCD (via email)