

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-212**

August 2, 2021

VIA ELECTRONIC MAIL

Mr. Gregory Slate

RE: FOIA Appeal 2021-212

Dear Mr. Slate:

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 Office of the Chief Technology Officer ("OCTO") improperly responded to your FOIA request.

On September 19, 2020, you submitted a FOIA request to OCTO seeking records related to:

- 1) 426 Manor Place, NW (3036/0067);
- 2) 428 Manor Place, NW (3036/0067);
- 3) emails received from or sent to afraser@sullivanbarros.com by clarence.whitescarver@dc.gov;
- 4) emails received from or sent to afraser@sullivanbarros.com through alan.levy@dc.gov;
- 5) emails received from or sent to clarence.whitescarver@dc.gov through alan.levy@dc.gov;
- 6) emails received from or sent to matt@erbproperties.com through alan.levy@dc.gov;
- 7) emails received from or sent to matt@erbproperties.com through alan.levy@dc.gov;
- 8) emails received from or sent to matt@erbproperties.com through any email address @dc.gov;
- 9) emails received from or sent to any email address @erbproperties.com through any email address @dc.gov;
- 10) 426 Manor Place, LLC;
- 11) 428 Manor Place, LLC;
- 12) policies and procedure related to determining if a building is vacant for tax assessment purposes;
- 13) policies and procedure related to determining if a building is blighted for tax assessment purposes; and,

- 14) policies and procedure related to determining if a building is vacant for tax assessment purposes; and,
- 15) Matt Scorzafave [; and]
- 16) ERB Properties LLC[.]

You filed your appeal with this Office on July 1, 2021, because you had not received a timely response to your FOIA request. On July 14, 2021, OCTO filed a response to your appeal.¹ In the response, OCTO indicated that the agency responded to you request, via email, on June 24, 2021.

It is unclear whether you did not receive or are unaware of the agency's June 24th FOIA response. Since your appeal only challenged OCTO's failure to respond to your FOIA request and OCTO has in fact 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.

Respectfully,

Mayor's Office of Legal Counsel

cc: OCTO FOIA
OCTO (via email)

¹ A copy of OCTO's response to your appeal is attached to this decision.