

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2021-238**

March 28, 2022

**VIA ELECTRONIC MAIL**

Mr. Edward Hanlon

RE: FOIA Appeal 2021-238

Dear Mr. Hanlon:

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”), on the grounds that the Office of Advisory Neighborhood Commissions (“OANC”) constructively denied your DC FOIA request for public records.

On behalf of the Dupont East Civic Action Association, you submitted a DC FOIA request to nine named ANC 2B Commissioner seeking:

1. One copy of every email and text message you sent or received concerning any electronic meeting, including but not limited to a Zoom meeting, Webinar, WebEx meeting, videoconferencing meeting and/or telephone conference meeting, which you attended between January 2, 2021 thru March 22, 2021. The word “concerning” means on the subject of or in connection with, about; and thus, includes an invitation to attend, any message providing the link to attend, any discussion concerning the electronic meeting before the electronic meeting and/or any discussion after the electronic meeting of what transpired at the electronic meeting.
2. One copy of the video and audio recording of every electronic meeting, including but not limited to a Zoom meeting, Webinar, WebEx meeting, videoconferencing meeting, telephone conference meeting which you attended between January 2, 2021 thru March 22, 2021. A link to the recording of a meeting may be provided in lieu of the actual recording so long as the link opens and displays a full recording of the meeting.
3. One copy of every email sent by [a named ] Executive Director concerning any electronic meeting that you were invited to attend, including but not limited to a Zoom meeting, Webinar, WebEx meeting, videoconferencing meeting, telephone conference meeting.

When OANC did not respond within the statutory time period, you submitted the instant appeal requesting that the records be supplied within 10 business days of your appeal. As

OANC explained in its response to this Office, it is working with you on multiple outstanding FOIA requests and “requests in this appeal were not intentionally denied but were not processed in the expected and normal fashion due to administrative error that was not recognized until after the appeal was filed.”<sup>1</sup>

Under D.C. Official Code § 2-532(e), a constructive denial occurs when an agency fails to respond within the timing requirements established in D.C. Official Code §§ 2-532(c) and (d). This Office has no authority to extend the maximum deadline for responding to a DC FOIA request, which is 25 business days. D.C. Official Code § 2-532. Based on the record before us, we conclude that OANC has constructively denied your request. Therefore, we remand this matter to OANC and direct it to promptly conduct a search for responsive records and disclose to you any non-exemption portions of responsive records.

This constitutes the final decision of this Office. However, you are free to challenge any substantive response you receive from OANC 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 in accordance with DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: Kathy Williams, FOIA Officer  
OANC (via email)

---

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