

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2022-110**

June 29, 2022

VIA ELECTRONIC MAIL

Ms. Amy Elizabeth Konigsburg

RE: FOIA Appeal 2022-110

Dear Ms. Konigsburg:

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 Human Services (“DHS”) failed to respond to your DC FOIA request for public records.

On an unknown date, you submitted a DC FOIA request to DHS that reads as follows:

Ivy City has been taken over by drug dealers and we are requesting all records for the neighborhood in respect to Lewis Crowe Park at West Virginia and Mt. Olivet and Capitol Ave. NE. We are not getting help from government agencies so are requesting all records to understand what is going on at this location and why there is no attention to this park and our community is allowed to fester with crime.

On March 21, 2022, you filed an appeal with this Office stating “This information is public and needs to be provided ASAP.... We are asking for all information from DHS on services provided in Ivy City. We want contracts, emails, and intake forms.” On March 24, 2022, we notified DHS of your appeal and requested a response. DHS responded to this Office and you on March 28, 2022. In its response, DHS stated that your request lacks specificity. DHS also explained that the agency does not deal with “drug dealers, crime, and/or park maintenance.” Rather, “DHS is comprised of two administrations, the Economic Security Administration (“ESA”) and the Family Services Administration (“FSA”). ESA is responsible for managing the District’s public assistance programs...[and] FSA is responsible for managing the District’s programs for vulnerable adults and families, such as the Homeless Services Program and the Strong Families Program.” Additionally, DHS referred you to the Metropolitan Police Department and/or Department of Parks and Recreation for the information you are seeking.<sup>1</sup>

DC FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records within a

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

reasonable amount of time.<sup>2</sup> More specifically, 1 DCMR § 402.4 states that:

A request shall reasonably describe the desired record(s). Where possible, the specific information regarding names, places, events, subjects, dates, files, titles, file designation or other identifying information shall be supplied.

In addition, under DC 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).

Based on the foregoing, we conclude that DHS properly responded to your DC 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.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Robert C. Warren, Jr., Assistant General Counsel and FOIA Officer  
DHS (via email)

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<sup>2</sup> However, agencies are reminded that “the [FOIA] regulations impose an affirmative obligation on the FOIA officer to engage with the requester and seek out the information needed to fulfill the request,” *Fraternal Order of Police v. District of Columbia*, 139 A.3d 853, 861 (D.C. 2016), so agencies must attempt to confer with the requester to obtain a reasonable description of the records sought.