

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-127**

February 2, 2023

VIA ELECTRONIC MAIL

Mr. Paul Kirwin

RE: FOIA Appeal 2022-127

Dear Mr. Kirwin:

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”), challenging the lack of response from the Department of Public Works (“DPW”) to your DC FOIA request.

On December 15, 2021, you submitted a DC FOIA request to DPW for “a listing of all fines by date of issuance and amount along with status of fine (not yet paid, paid, or cancelled) assessed by DC Government against the owner of [a particular property] for violations of DC garbage and trash disposal rules.” On April 15, 2022, you filed an appeal with this Office because DPW had not responded to your request. On April 26, 2022, we notified DPW of your appeal and requested a response. On May 2, 2022, DPW responded. In its response, DPW explained that due to a system malfunction with the FOIAXpress system, the agency was not aware of your DC FOIA request until receiving notice of your appeal. Upon discovering your request, the agency immediately searched for responsive records and provided them to you.¹

Because your appeal only challenged DPW’s failure to respond and DPW has provided you with the document you sought, we dismiss this appeal as moot.

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: Errika M. Jefferson, Assistant General Counsel
DPW (via email)

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