

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-164**

January 10, 2023

VIA ELECTRONIC MAIL

Mr. Michael Ravnitzky

RE: FOIA Appeal 2022-164

Dear Mr. Ravnitzky:

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 Executive Office of the Mayor (“EOM”) failed to respond to your DC FOIA request for public records.

On June 22, 2020, you submitted a DC FOIA request seeking the following:

- 1) All letter correspondence with GAO (Government Accountability Office) concerning their helicopter noise study (which sought input from the District of Columbia Office of the Mayor). You may limit this request to records dated between January 1, 2020 and the present.
- 2) All email correspondence with GAO concerning the helicopter noise study. You may limit this request to records dated between January 1, 2020 and the present. I agree to accept the results of a quick electronic search of emails in the relevant office containing the word "helicopter" OR "GAO" during that timeframe.
- 3) All memos or assessments of helicopter noise or complaints about helicopter noise, in the Executive Office of the Mayor, during the timeframe January 1, 2019 to the present.
(Date Range for Record Search: From 1/1/2019 To 6/22/2020)

On June 6, 2022, because EOM did not respond to your request, you filed an appeal with this Office. On June 13, 2022, we notified EOM of your appeal and requested a response. EOM responded on July 1, 2022. In its response, EOM stated that on June 27, 2022 it reached out to you “for clarification and information necessary to process [your] request” but had not received a response from you. EOM also explained that the agency “has received an unprecedented number of FOIA requests which has caused a delay in processing this request... and will continue diligently processing [your] request.” Additionally, EOM requested “an extension to continue to process the request.” On December 12, 2022, EOM followed-up to

inform us that it had “no responsive records and [you were] notified via email via the FOIA portal.”¹

Because you only challenged EOM’s failure to respond and EOM has now responded to your request, we dismiss this appeal as moot. However, you are free to challenge EOM’s substantive response by separate appeal to this Office.

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 DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: Tenette Smith, Associate General
Counsel EOM (via email)

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