

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR**

Freedom of Information Act Appeal: 2012-23

February 1, 2012

Ms. Abigail Padou

Dear Ms. Padou:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-531(a)(2001) (“DC FOIA”), dated January 10, 2012 (the “Appeal”). You (“Appellant”) assert that the Department of Consumer and Regulatory Affairs (“DCRA”) improperly withheld records in response to your request for information under DC FOIA dated December 28, 2011 (the “FOIA Request”).

Appellant’s FOIA Request sought the articles of incorporation and the bylaws of the DC Children & Youth Investment Trust Corporation.

In response, by email dated December 28, 2011, DCRA stated that documents filed by corporations may be obtained at the DCRA Business License Center and that “FOIA does not require that the agency provide documents which are already made publicly available by other means.” By email dated December 29, 2011, Appellant explained to DCRA that the Business License Center only “sells certified copies of articles of incorporation and bylaws for a significant cost. The DCRA business license center does not make non-certified copies publicly available, either for viewing or for photocopying. Since I am not seeking certified copies, the DCRA business license center is unable to help me.” DCRA reiterated its position, adding that while there is a fee for the documents, “however FOIA is not intended to be used as a means to avoid fees for other agency services.”

On Appeal, Appellant challenges the denial by DCRA. Appellant states that she is seeking the documents without certification by DCRA and the \$40 charge set forth by DCRA for certified copies is expected to substantially exceed the photocopying charges permitted by DC FOIA. Appellant argues that if she, as a member of the news organization, was forced to pay excessive fees when compiling information about multiple entities, it would have a chilling effect on her First Amendment rights.

In its response, dated January 24, 2011, DCRA indicated that, after receipt of the Appeal, it had provided the responsive records to you.

Based on the foregoing, we will now consider your Appeal to be moot and it is hereby dismissed.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Hamilton Kuralt