

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2015-18**

March 23, 2015

Mr. Bresee

RE: FOIA Appeal 2015-18

Dear Mr. Bresee:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Department of Consumer and Regulatory Affairs (“DCRA”) improperly withheld records you requested under the DC FOIA.

Background

On August 14, 2014, you submitted a request under the DC FOIA to the DCRA seeking, among other things, any and all letters, emails, or other communications by or between Stuart Crampton and DCRA, Mark G. Chalpin and DCRA, and Violeta Roman and DCRA. In response to your request, DCRA withheld the emails pursuant to D.C. Official Code § 2-534(a)(3)(A)(i), claiming that the documents were part of an active investigation within one of DCRA’s enforcement divisions.

On appeal, you challenge the DCRA’s decision, contending that DCRA “failed to identify how such communications constitute ‘investigatory records compiled for law-enforcement purposes’ and has further failed to detail how the disclosure of such requested emails, letters and other communications would interfere with enforcement proceedings.”

The DCRA sent this office a response to your appeal on March 20, 2015, stating, “DCRA has today referred the DCRA investigation over to the Office of the Attorney General for the District of Columbia for further investigation. As a result, the investigation is now closed from DCRA’s perspective and we will review the documentation for any documents . . . which we will then provide.”

Conclusion

Based on the DCRA’s representation that it will disclose documents that are responsive to your request, we hereby remand this matter to DCRA to complete its production within five (5) business days of the date of this correspondence. We consider this matter to be dismissed as moot based on DCRA’s forthcoming production; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the DCRA’s response.

This shall constitute 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 the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker  
Associate Director  
Mayor's Office of Legal Counsel

cc: Maximilian L.S. Tondro, Assistant General Counsel, DCRA (via email)