

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-23**

March 18, 2015

VIA ELECTRONIC MAIL

Ms. Barbara Schauer

RE: FOIA Appeal 2015-23

Dear Ms. Schauer:

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 Matt Raymond, former chairman of ANC 2F, improperly withheld records you requested under the DC FOIA.

Background

On July 15, 2014, you submitted a request under the DC FOIA to Matt Raymond, who was the chairman of ANC 2F at the time. In your request, you asked for “copies of all emails from Greg, [Matt Raymond], and anyone else connected with the ANC including the APC regarding the application for a license for The American, as allowed under the FOIA. I also want to see all correspondence related to the alley closing as well since they are connected to this project.” Between July and October 2014, Mr. Raymond indicated in email messages to you that he would reply to your request; however to date he has not done so.

On January 7, 2015, you submitted an appeal to the Mayor regarding Mr. Raymond’s failure to respond to your request. On March 10, 2015, this office sent Mr. Raymond an email notifying him of your appeal and asking him to provide a formal response to the appeal within five (5) business days. This office sent Mr. Raymond a subsequent email on March 17, 2015, informing him that his time to respond had expired and inquiring whether he planned to respond or needed an extension. To date, Mr. Raymond has failed to respond to this office’s communications.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right to inspect and copy any public record of a public body, and provides that a public body shall make “reasonable efforts to search for the records.” D.C. Official Code § 2-532(a), (a-2).

Because Mr. Raymond has not provided a formal response to our office, we are unable to determine whether he has made reasonable efforts to search for and produce the records you requested.

Conclusion

Therefore, we remand this matter to Mr. Raymond and order him to make a good faith effort to conduct a search based upon the parameters set forth in your July 15, 2014, request and provide you with responsive records within five (5) business days of the date of this decision.

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 the DC FOIA.

Sincerely,

/s Melissa C. Tucker

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

cc: Matt Raymond (via email)