

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2015-32**

March 24, 2015

VIA ELECTRONIC MAIL

Mr. Stephen Marcus

RE: FOIA Appeal 2015-32

Dear Mr. Marcus:

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 District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") redacted documents improperly and provided insufficient justification for doing so.

Background

On October 6, 2014, you submitted a request under the DC FOIA to the DCRA seeking the following:

- Copies of all documents, physical and electronic, including any email correspondence, relating to construction to be performed, including but not limited to, the building of a site wall and fence on the property of Sean P. Glass located at 3329 Q Street, N.W., Washington, DC 20007.
- Copies of all documents, physical and electronic, including any email correspondence, between the Department of Consumer and Regulatory Affairs and Sean Glass and/or his architect Robert Gurney relating to construction to be performed, including but not limited to, the building of a site wall and fence on the property of Sean P. Glass located at 3329 Q Street, N.W., Washington, DC 20007.
- Copies of all documents, physical and electronic, including any email correspondence, relating to documents submitted to The Old Georgetown Board and/or the Commission on Fine Arts by the Department of Consumer and Regulatory Affairs in connection with construction to be performed including but not limited to, the building of a site wall and fence on the property of Sean P. Glass located at 3329 Q Street, N.W., Washington, DC 20007.
- Copies of all documents, physical and electronic, including any email correspondence, between the District of Columbia Department of Consumer and Regulatory Affairs and the Office of Planning and/or Timothy Dennee relating to construction to be performed,

including but not limited to, the building of a site wall and fence on the property of Sean P. Glass located at 3329 Q Street, N.W., Washington, DC 20007.

- Copies of all documents, physical and electronic, including any email correspondence, between the District of Columbia Department of Consumer and Regulatory Affairs and the Commission on Fine Arts and/or Eve Barsoum relating to construction to be performed, including but not limited to, the building of a site wall and fence on the property of Sean P. Glass located at 3329 Q Street, N.W., Washington, DC 20007.

On appeal, you challenge the DCRA's redactions as "overbroad and inaccurate and he has provided an insufficient justification for the redactions." You also state that the emails that were redacted are not exempt from disclosure because "we sent identical FOIA requests to the Office of Planning and the Historic Preservation Office on October 6, 2014, and the responses we received contain unredacted copies of many of the *same* emails redacted by" DCRA.

DCRA sent this office a response to your appeal on March 19, 2015, advising that it withheld the requested documents as they are a series of emails between the Office of Planning and DCRA employees, specifically Ms. Doris Parker-Woolridge, Assistant General Counsel, and thus attorney-client privilege. However, DCRA concedes that the redacted email correspondence received by you from DCRA is identical to the unredacted email which was provided by the Office of Planning's FOIA officer.

### Conclusion

Based on your assertion, as well as DCRA's, that you have received the email correspondence in question in an unredacted form from the Office of Planning, we consider this matter to be moot and dismiss it; 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 Gregory M. Evans

Gregory M. Evans  
Associate Director  
Mayor's Office of Legal Counsel

cc: Brandon Bass, FOIA Officer, DCRA (via email)