

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2016-86**

July 20, 2016

VIA ELECTRONIC MAIL

Mr. Benoit Brookens

RE: FOIA Appeal 2016-86

Dear Mr. Brookens:

This letter responds to the administrative appeal you filed with the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal,¹ you assert that the Office of Administrative Hearings ("OAH") denied requests you have made for various OAH administrative filings².

This Office notified the OAH of your FOIA appeal on July 12, 2016. On July 15, 2016, OAH responded, asserting that: (1) your requests were not labeled as FOIA requests;³ (2) all responsive documents in OAH's possession have been provided to you; and (3) OAH has not denied your request. We accept OAH's representations that it has provided you with all responsive documents it possesses and find your appeal to be moot.

Finally, attached to one of your cover letters is a Laffey Matrix requesting \$3,787.50 for the 7.5 hours you allege to have spent working on a FOIA request in 2013. A Laffey Matrix is a fee schedule used to determine the reasonable hourly rate in the District of Columbia for attorneys' fee awards. You do not appear to be a member of the District of Columbia Bar,⁴ but regardless,

¹ Your appeal contains two cover letters, one pertaining to requests made in March 2016, and one to a request from November of 2013. As a matter of efficiency, this Office will reach the merits of both letters in this decision.

² Regardless of DC FOIA, these documents are available for public inspection pursuant to D.C. Code § 2-1831.13.

³ This Office will note, having reviewed the requests attached to your appeal, that your requests do not appear to meet the requirements of 1 DCMR § 402.3, such that they were never technically received by OAH, pursuant to 1 DCMR § 405.6. As a result, it appears that this matter could be dismissed as unripe for adjudication; however, given OAH's representation that it has provided you with the requested documents in its possession, this Office will consider the matter moot instead of unripe.

⁴ *E.g. Brookens v. United States*, 981 F. Supp. 2d 55, 58 (D.D.C. 2013) ("not a member of the District of Columbia Bar"). *See also Brookens v. Comm. on Unauthorized Practice of Law*, 538 A.2d 1120, 1125 (D.C. 1988) ("Brookens is not a member of the District of Columbia Bar").

there is no statutory support in the D.C. FOIA for your position that you are entitled to legal fees in connection with your submission of a FOIA request to a District agency.

Based on the foregoing, we consider your appeal to be moot and it is dismissed.

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
1350 Pennsylvania Avenue, N.W.
Suite 407
Washington, D.C 20004

cc: Marya Torrez, Assistant General Counsel, OAH (via email)