

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR**



**Mayor's Office of Legal Counsel**

August 31, 2017

VIA ELECTRONIC MAIL

Mr. Harold Christian

RE: FOIA Appeal 2017-140

Dear Mr. Christian:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). Your appeal is based on the failure of Office of the Chief Financial Officer ("OCFO") to respond to a request you submitted to the OCFO for certain records pertaining to Solar Plus Energy, Inc.

Upon receipt of your appeal, this Office contacted the OCFO and asked the agency to explain its failure to respond to your request. To date, the OCFO has not provided this Office with a response or justification.

The OCFO has failed to provide you with records within the 15 business days prescribed by D.C. Official Code § 2-532(c)(1) and has not asserted that the records are exempt from production under DC FOIA. As a result, this Office finds that the OCFO has constructively denied your request pursuant to D.C. Official Code § 2-532(e) and is improperly withholding the records at issue.

In light of the above, we order the OCFO to provide you with all documents in the agency's possession that are responsive to your request within 5 business days of the date of this decision.

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.

Respectfully,

Mayor's Office of Legal Counsel

cc: Stacie Y.L. Mills, Assistant General Counsel, OCFO (via email)