

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



Mayor's Office of Legal Counsel

August 31, 2017

VIA ELECTRONIC MAIL

Rose Santos

RE: FOIA Appeal 2017-141

Dear Ms. Santos:

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"). In your appeal, you assert that the Department of Public Works ("DPW") failed to respond to your request for records.

On June 15, 2017, you submitted a request under the DC FOIA to DPW seeking records related to DC Water applications for development services. On the same day, DPW closed your request without providing you with a reason for the closure.

On August 18, 2017, this Office received your appeal in which you assert that DPW failed to respond your request. This Office notified DPW of the appeal. On August 25, 2017, DPW provided this Office with a response to your appeal.¹

In its response, DPW explained that it neither denied you request nor is it withholding records, but instead DPW rerouted your request to the DC Water, the agency from which it appears you intended to request records. DPW stated that its failure to inform you of the transfer was an inadvertent oversight.

Since your appeal was based on DPW's lack of response and DPW has since responded, we consider your appeal to be moot, and it is dismissed. The dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to DC Water's substantive response.

¹ A copy of DPW's response is attached.

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.

Respectfully,

Mayor's Office of Legal Counsel

cc: Nakeasha Sanders-Small, Deputy General Counsel, DPW (via email)