

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



Mayor's Office of Legal Counsel

September 26, 2017

VIA ELECTRONIC MAIL

Mr. John T. McFarland

RE: FOIA Appeal 2017-157

Dear Mr. McFarland:

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 Consumer and Regulatory Affairs (“DCRA”) failed to respond to your request dated June 27, 2017, seeking records related to a former DCRA employee. Upon receipt of your appeal, this Office contacted DCRA and asked for its response.

On September 19, 2017, DCRA informed us that the Office of the Chief Technology Officer completed its search, returning 220 responsive records.¹ DCRA further stated that it would review the responsive records and disclose non-exempt portions. Since your appeal was based on DCRA’s failure to respond to your request and DCRA has asserted that its response is forthcoming, we consider your appeal to be moot. Your appeal is hereby dismissed; however, the dismissal shall be without prejudice. You are free to assert any challenge, by separate appeal to this Office, to the substantive response DCRA sends you.

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: Erin Roberts, FOIA Officer, DCRA (via email)

¹ A copy of DCRA’s response is attached.