

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



Mayor's Office of Legal Counsel

September 26, 2017

VIA ELECTRONIC MAIL

John T. McFarland

RE: FOIA Appeal 2017-158

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 August 1, 2017, request for records related to "Desk Audits" of a particular employee.

On September 12, 2017, this Office received your appeal, in which you assert that DCRA failed to respond your request. This Office notified DCRA of the appeal, and on September 19, 2017, DCRA provided this Office with a response.¹ Due to a change in FOIA personnel at the agency, DCRA explained that it was unclear if your request had been received or processed. DCRA further noted that it does not maintain records responsive to your request; however, the DC Department of Human Resources ("DCHR") may possess such records. As a result, DCRA transferred your request to DCHR.

Since your appeal was based on DCRA's lack of response and DCRA 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 DCHR's substantive response.

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.