

**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 2017-159

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 DC Department of Human Resources ("DCHR") failed to respond to your request dated June 27, 2017, seeking records related to a former employee of the Department of Consumer and Regulatory Affairs. Upon receipt of your appeal, this Office contacted DCHR and asked for its response.

On September 12, 2017, DCHR informed us that it was still waiting on the Office of the Chief Technology Officer ("OCTO") to return the results of its search. This Office contacted OCTO and encouraged OCTO to complete the search. OCTO subsequently responded that it completed its search and provided DCHR with the results in two batches during the night of September 25, 2017.

Since your appeal was based on DCHR's failure to respond to your request and DCHR was waiting for OCTO to return responsive records, we consider your appeal to be moot. Within ten business days from the date of this decision, DCHR shall review the records returned by OCTO and begin to disclose non-exempt portions to you. 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 DCHR 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: Leah N. Brown, Attorney Advisor, DCHR (via email)