**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**EXECUTIVE OFFICE OF THE MAYOR**
**MAYOR'S OFFICE OF LEGAL COUNSEL**
**Freedom of Information Act Appeal: 2017-55**

April 27, 2017

VIA ELECTRONIC MAIL

Mr. Randy Smith

RE:     FOIA Appeal 2017-55

Dear Mr. Smith:

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"), alleging that the Metropolitan Police Department ("MPD") failed to respond to a request you submitted to MPD.

In specific, you contend that on March 17, 2017, you submitted a request to MPD for reports of gunfire detected within a specific timeframe and received no response. This Office notified MPD of your appeal, and MPD responded by indicating that due to the unexpected absence of the individual responsible for maintaining the requested information, MPD's FOIA office only recently received the responsive documents.[1] MPD staff is currently reviewing them and advised this Office that it expects to provide them to you within the next 2 business days.

The failure of a public body to comply with a request within the statutory timeframe shall be deemed a denial of the request under D.C. Official Code § 2-532(e). When an agency fails to disclose a public record, the Mayor shall compel the agency to do so. *See* D.C. Official Code § 2-537. Here, MPD has indicated to this Office that it is reviewing responsive documents and will send them to you within approximately 2 business days of the date of this decision. Based on this representation, we dismiss your appeal as moot; provided, that the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to MPD's substantive response.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc:     Ronald B. Harris, Deputy General Counsel, MPD (via email)

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[1] A copy of MPD's response is attached.