

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-80**

May 30, 2017

VIA ELECTRONIC MAIL

Ms. Barbara Donaldson

RE: FOIA Appeal 2017-80

Dear Ms. Donaldson:

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”). Your appeal is based on the failure of the Department of Consumer and Regulatory Affairs (“DCRA”) to respond to a request you submitted on February 9, 2017, for copies of approved building plans for a particular property.

DCRA marked your request as “Closed – Granted in Full” in the FOIAXpress system on April 13, 2017; however, you did not receive any documents via email or FOIAXpress. As a result, you appealed DCRA’s non-responsiveness.

Upon receipt of your appeal, this Office contacted DCRA and inquired as to why your request had been closed and marked granted in full when you had not received any responsive documents. DCRA responded on May 23, 2017, in an email to you on which we were copied. The email indicated that your request had been closed by mistake, and that the documents would be electronically delivered to you on May 26, 2017. You notified this Office at the close of business on May 26, 2017, that you had still not received anything from DCRA.

DCRA has failed to provide you with records within the 15 business days prescribed by D.C. Official Code § 2-532(c)(1). DCRA has not asserted to this Office or to you that the records are exempt from production under DC FOIA. As a result, this Office finds that DCRA has constructively denied your request pursuant to D.C. Official Code § 2-532(e) and is improperly withholding the records at issue.

In light of the above, we order DCRA to provide you with all documents in the agency’s possession that are responsive to your request within 2 business days of the date of this decision.

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 the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Charles Thomas, General Counsel, DCRA (via email)