

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-94**

July 5, 2017

VIA ELECTRONIC MAIL

Mr. Dale Cunningham

RE: FOIA Appeal 2017-94

Dear Mr. Cunningham:

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 denial you received from the Metropolitan Police Department ("MPD") with respect to your request for records related to "parking problems" at the 4800 block of Blagden Avenue NW in the first half of 2017.

On June 6, 2017, you submitted your FOIA request to MPD. On June 16, 2017, MPD sent its response indicating that no responsive records were found. You appealed MPD's response stating your belief that responsive records should exist based on your interactions with an MPD officer.

Upon receipt of your appeal, this Office notified MPD and requested an explanation for its denial. MPD responded on June 27, 2017, indicating that additional information in your appeal allowed MPD conduct a more extensive search for responsive records.¹ It is our understanding that MPD is processing an additional search, and once the search is complete MPD will provide you with responsive records, subject to DC FOIA exemptions and redaction.

In light of MPD's representation that it will continue processing your request, we consider your appeal to be moot and hereby dismiss it. The dismissal shall be without prejudice, and you are free to assert any challenge by separate appeal to the substantive response you receive from MPD.

¹ A copy of MPD's response is attached.

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)