

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



Mayor's Office of Legal Counsel

October 20, 2017

VIA ELECTRONIC MAIL

Natasha Rodriguez

RE: FOIA Appeal 2018-005

Dear Ms. Rodriguez:

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"), on the grounds that the Department of Health ("DOH") failed to respond to your August 21, 2017 request for records and correspondence exchanged with the Humane Rescue Alliance.

This Office contacted DOH on October 6, 2017, and notified the agency of your appeal. DOH responded on October 11, 2017, advising us that it was still waiting on the results of its email search from the Office of the Chief Technology Officer.¹ DOH asserted further that once it received responsive records it would review and disclose the records in accordance with the rules of DC FOIA.

Since your appeal was based on DOH's failure to respond to your request, and the agency has explained that its response is forthcoming once it receives responsive records, we consider your appeal to be moot. 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 DOH 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: Edward Rich, Senior Assistant General Counsel, DOH (via email)

¹ A copy of DOH's response is attached.