## GOVERNMENT OF THE DISTRICT OF COLUMBIA EXECUTIVE OFFICE OF THE MAYOR OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES



October 27, 2017

VIA ELECTRONIC MAIL

Mr. G. Harold Christian Payment Processing Services, LLC Email: <u>hchristian@expertmoneyfinders.com</u>

# RE: FOIA Appeal 2018-13

Dear Mr. Christian:

This letter responds to the administrative appeal you submitted October 7, 2017 to the District of Columbia Office of the Chief Financial Officer ("OCFO"), in accordance with D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that OCFO failed to respond to your request for records pertaining to OCFO FOIA litigation.<sup>1</sup>

FOIA request #17-419, filed September 16, 2017, states a response to your request will be processed by October 6, 2017, unless the District requests an additional ten (10) day extension<sup>2</sup>, as prescribed by D.C. Official Code § 2-532(c)(1). Your appeal dated October 7, 2017 asserts the failure of OCFO to respond to the request in a timely manner "is deemed a denial, and [you are] appealing on that basis".<sup>3</sup>

On October 12, 2017, OCFO responded to your request via electronic mail.<sup>4</sup> In addition, on October 12 2017, OCFO addressed a letter to the Mayor's Office of Legal Counsel ("MOLC"), asserting a ten (10) day extension to respond to your request was granted October 5, 2017, with a new response due date of October 20, 2017.<sup>5</sup> The letter also advised that OCFO had responded to your request as of October 12, 2017, and that no documents were withheld.

As your appeal was based on OCFO's failure to respond to your request, and OCFO has now responded, 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 to the substantive response you have received from OCFO.

<sup>&</sup>lt;sup>1</sup> The request is docketed as FOIA #17-419.

<sup>&</sup>lt;sup>2</sup> See FOIA #17-419, at 3 (attached).

<sup>&</sup>lt;sup>3</sup> See FOIA Appeal 2018-13 Letter from G. Harold Christian (October 7, 2017) (attached).

<sup>&</sup>lt;sup>4</sup> See Email from Stacie Y.L. Mills (OCFO) to G. Harold Christian (October 12, 2017, 9:02 a.m.) (attached).

<sup>&</sup>lt;sup>5</sup> See Letter from Stacie Y.L. Mills (OCFO) to MOLC (October 12, 2017) (attached).

Mr. G. Harold Christian Freedom of Information Act Appeal 2018-13 October 27, 2017 Page 2

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,

Olp

Angela C. Parsons, Esq. Office of Documents & Administrative Issuances Office of the Secretary

Enclosures

cc: Stacie Y.L. Mills, Assistant General Counsel, OCFO (via email) Victor L. Reid, Esq., Administrator, Office of Documents & Administrative Issuances (via email)



Saturday, September 16, 2017



Failure to enter accurate information may render your E-FOIA request impossible to fulfill. This form is submitted using non-secured email.

Your E-FOIA form has been submitted!

FOIA #: 17-419

Below is a summary of your FOIA request. A copy has also been sent to the email address you provided.

Name: Mr. G Christian

Email Address: hchristian@expertmoneyfinders.com

Phone: (757) 389-8689 (757) 389-8689

Organization: Payment Processing Services LLC

Address: 237 Hanbury Road E, Suite 17-357 237 Hanbury Road E, Suite 17-357 Chesapeake, VA 23322

Request: September 4, 2017

# Via Email, Online E-FOIA Request Form <a href="https://ocfodc.secure.force.com/FOIA">https://ocfodc.secure.force.com/FOIA</a>, and Priority US Mail 2 Day 9405 5112 9837 0896 3617 82:

Jeffrey S. DeWitt, Chief Financial Officer DC Office of the Chief Financial Officer 1350 Pennsylvania Avenue, NW, Suite 203 Washington, DC 20004

## RE: FOIA Request for records of FOIA litigation (Our File 135808)

Dear Mr. DeWitt and Official Records Custodian:

Pursuant to The District of Columbia Freedom of Information Act DC Code § 2-531 ("FOIA"), I respectfully request you produce copies of public records in an electronic format to <u>hchristian@expertmoneyfinders.com</u>.

## Please provide exact copies of:

- 1. The most recent list(s), report(s), database(s), or individual documents that detail all litigation in which the DC Office of the Chief Financial Officer ("OCFO"), or any other employee or agent of the OCFO, was named a party for any alleged (or proven) violation(s) of the FOIA, between January 1, 2010 and the date the search is conducted. Responsive records should include any documentation mechanism used to track lawsuits. This request should be construed to include documents compiled quarterly, annually, or in other increments as well as documents or databases that contain responsive information over a longer time span.
- 1. All documents evidencing, reflecting, referring to, or related to the <u>most recent, concluded litigation</u> in which the OCFO, or any other employee or agent of the OCFO, was named a party, and for which the OCFO, or any other employee or agent of the OCFO, <u>was found to be in violation of the FOIA</u>, including, but not limited to (i)

the original FOIA request and any replies from your agency, and (ii) all related litigation documents, including, but not limited to, the Complaint, Answer, depositions, discovery, interrogatories, requests for admission, court transcripts, final order, *etc.* 

- The most recent list(s), report(s), database(s), or individual documents evidencing, reflecting, referring to or relating to all administrative FOIA appeals received by the OCFO (between **January 1, 2010** and the date the search is conducted) that were filed with the Mayor's Office based upon the OCFO's FOIA decision (or lack of decision). Responsive records should include any documentation detailing the final outcome of the administrative appeal.
- 1. All records evidencing, reflecting, referring to or relating to all OCFO's policy(ies) and procedures for the resolution of administrative FOIA appeals filed with the Mayor based upon a FOIA decision (or lack of decision) by the OCFO, including, but not limited to, any review, any decision to not comport with the order, any decision to not respond to or otherwise ignore the administrative appeal, any decision to litigate, *etc.*
- 1. Exact copies of any email(s) with an "email signature file" (or whatever your agency calls the information generally included at the bottom of an email) evidencing, reflecting, referring to, or related to the contact information (name, email, title, phone number, postal address, *etc.*) of all persons aware of or involved in any way with the **Mayor's Office of Legal Counsel**, August 31, 2017 **Final Order** (attached), including, but not limited to, any review, any decision to not comport with the order to produce, any decision to not respond to or otherwise ignore the administrative appeal, any decision to litigate, *etc.* **Please note:** Email(s) responsive to this request are intended to be any email(s) whatsoever that contain the requested signature files. Stated another way, this request is <u>not</u> intended to be limited to emails only related to this specific FOIA request or to Item 5 of this request.

Please treat each numbered request for records as a separate and discrete request, so that any delay in producing one request does not delay the production of any other request. And, for each specific request numbered above, please inform me if, after a reasonable search, no responsive records whatsoever were located (i.e., 1. No records found, 2. Records attached, 3. No records found, *etc.*)

Please also inform me if you determine to withhold a responsive record its entirety or disclose it in redacted form. If you do intend to disclose any responsive record in redacted form, I ask that you redact that record for the time being (by blacking it out not whiting it out) and make the rest of the records available as requested. If you do determine to withhold any record in its entirety or redact any part of a disclosable record, please provide (i) a signed notification citing the legal authorities on which you rely and the reason(s) therefor, and (ii) the name and title of each person responsible for the decision.

Finally, the FOIA does not require submittal via the online DC government Public FOIA Portal (see <u>https://dc.gov/page/freedom-information-act-foia</u> which provides that "requests may also be submitted by mail, fax, or email). I prefer to submit via US Postal Mail and/or email, because, among other reasons, your portal is "non-secured." As a courtesy, I am providing a copy of this request via the online DC government Public FOIA Portal for tracking purposes.

Thank you for your assistance in fulfilling this request.

G. Harold Christian Vice President Operations

Payment Processing Services, LLC 129 Hanbury Road West, Suite 203, Chesapeake, Virginia 23322 T 757.389.8689 Ext. 101 F 804.237.0196 hchristian@expertmoneyfinders.com www.expertmoneyfinders.com

"Be joyful today..." Psalms 118:24

Attachment Exists: Yes

Request Category: None

Fee Limit: \$0.00

Fee Waiver: No

Comments:

Submitted Date: Sep-16-2017

Please allow up to 15 business days to complete the request. Unless the District requests an extension (the FOIA allows 10 additional business days), your request will be completed by: Oct-06-2017

If you have any questions or concerns, please contact:

Laverne Lee FOIA Information Officer Office of the Chief Financial Officer ocfo.foia@dc.gov phone:(202) 727-9528

From:	G. Harold Christian <hchristian@expertmoneyfinders.com></hchristian@expertmoneyfinders.com>
Sent:	Saturday, October 07, 2017 2:04 PM
To:	ATD EOM MIS; Hughes, Bijan (EOM)
Cc:	DeWitt, Jeffrey (OCFO); Mills, Stacie (OCFO); Lee, Laverne (OCFO)
Subject:	FOIA APPEAL (136590)
Attachments:	LTR 17-419 DC FOIA Records of Litigation etc (1).pdf

Importance: High

October 7, 2017

### Via Email and Priority US Mail 9405 5112 9837 0863 0757 11:

Mayor's Correspondence Unit DC Mayor's Office FOIA Appeal 1350 Pennsylvania Ave, NW, Suite 316 Washington, DC 20004

#### Via Email:

Jeffrey S. DeWitt, Chief Financial Officer DC Office of the Chief Financial Officer 1350 Pennsylvania Avenue, NW, Suite 203 Washington, DC 20004

To Whom It May Concern:

In accordance with D.C. Official Code § 2-537, I hereby appeal the denial of my Freedom of Information Act ("FOIA") request (attached).

Pursuant to D.C. Official Code § 2-532(c), agencies are required to answer FOIA requests within 15 business days. The agency has not provided me with an answer or a clear denial in response to my request. Pursuant to D.C. Official Code § 2-532(e), the agency's failure to respond to my request within the statutory timeframe is deemed a denial, and I am appealing on that basis.

Accordingly, I respectfully request that this appeal be granted and that I be provided all the records requested. As required by FOIA, please respond within 10 business days of the receipt of this appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law.

Thank you for your attention to this very important matter.

**G. Harold Christian** Vice President Operations

Payment Processing Services, LLC 129 Hanbury Road West, Suite 203, Chesapeake, Virginia 23322 T 757.389.8689 Ext. 101 F 804.237.0196 hchristian@expertmoneyfinders.com www.expertmoneyfinders.com

"Be joyful today ... " Psalms 118:24

# Mills, Stacie (OCFO)

From: Sent: To: Cc: Subject: Mills, Stacie (OCFO) Thursday, October 12, 2017 9:02 AM 'hchristian@expertmoneyfinders.com' Lee, Laverne (OCFO); Beale, Mary (OCFO) FOIA 17-419

1. The most recent list(s), report(s), database(s), or individual documents that detail all litigation in which the DC Office of the Chief Financial Officer ("OCFO"), or any other employee or agent of the OCFO, was named a party for any alleged (or proven) violation(s) of the FOIA, between January 1, 2010 and the date the search is conducted. Responsive records should include any documentation mechanism used to track lawsuits. This request should be construed to include documents compiled quarterly, annually, or in other increments as well as documents or databases that contain responsive information over a longer time span. No Responsive Documents

2. All documents evidencing, reflecting, referring to, or related to the most recent, concluded litigation in which the OCFO, or any other employee or agent of the OCFO, was named a party, and for which the OCFO, or any other employee or agent of the OCFO, was found to be in violation of the FOIA, including, but not limited to (i) the original FOIA request and any replies from your agency, and (ii) all related litigation documents, including, but not limited to, the Complaint, Answer, depositions, discovery, interrogatories, requests for admission, court transcripts, final order, etc. No Responsive Documents

3. The most recent list(s), report(s), database(s), or individual documents evidencing, reflecting, referring to or relating to all administrative FOIA appeals received by the OCFO (between January 1, 2010 and the date the search is conducted) that were filed with the Mayor's Office based upon the OCFO's FOIA decision (or lack of decision). Responsive records should include any documentation detailing the final outcome of the administrative appeal.

## Please refer to the District's website at the following address:

https://dc.gov/publications?after%5bvalue%5d%5bdate%5d=&before%5bvalue%5d%5bdate%5d=&keys=&type=74&sor t\_by=field\_date\_value&sort\_order=DESC

4. All records evidencing, reflecting, referring to or relating to all OCFO's policy(ies) and procedures for the resolution of administrative FOIA appeals filed with the Mayor based upon a FOIA decision (or lack of decision) by the OCFO, including, but not limited to, any review, any decision to not comport with the order, any decision to not respond to or otherwise ignore the administrative appeal, any decision to litigate, etc. No responsive records.

5. Exact copies of any email(s) with an "email signature file" (or whatever your agency calls the information generally included at the bottom of an email) evidencing, reflecting, referring to, or related to the contact information (name, email, title, phone number, postal address, etc.) of all persons aware of or involved in any way with the Mayor's Office of Legal Counsel, August 31, 2017 Final Order (attached), including, but not limited to, any review, any decision to not comport with the order to produce, any decision to not respond to or otherwise ignore the administrative appeal, any decision to litigate, etc. Please note: Email(s) responsive to this request are intended to be any email(s) whatsoever that contain the requested signature files. Stated another way, this request is not intended to be limited to emails only related to this specific FOIA request or to Item 5 of this request.

It is recommended that you contact the Mayor's Office regarding this request as the OCFO does not have records responsive to this request.

# GOVERNMENT OF THE DISTRICT OF COLUMBIA Office of the Chief Financial Officer



#### Office of the General Counsel

October 12, 2017

Mayor's Office of Legal Counsel 1350 Pennsylvania Avenue, NW Suite 407 Washington, DC 20004

#### RE: FOIA Appeal 2018-13

Dear Sir/Madam:

The Office of the Chief Financial Officer (OCFO), Office of the General Counsel is in receipt of the above referenced FOIA Appeal and provides the following responses as requested:

(a) The justification for your decision not to grant review of records as requested;

There has been no decision not to grant review of the records. The request was received on September 18<sup>th</sup>, 2017 with a due date of October 6<sup>th</sup>, 2017 (15 business days). On October 5<sup>th</sup>, 20177 a ten day extension was requested with a new due date of October 20, 2017, however it appears that due to a technical glitch, the requestor did not receive notice of the extension. The OCFO has since responded to the requestor. The response is enclosed with this appeal.

(b) <u>A Vaughn index of documents withheld, and an affidavit or declaration of a knowledgeable official or employee testifying to the decision to withhold documents;</u>

No documents were withheld.

(c) <u>A copy of the public record or records in dispute on the appeal; provided, that if the public record contains personal, sensitive, or confidential information, you may redact such information.</u>

Enclosed is a copy of the response which was sent to the requestor.

Please contact me via email at <u>Stacie.Mills2@dc.gov</u> or via telephone at (202) 727-4221 should there be additional questions or concerns.

Sincerely, Stacie Y L. Mills

Enclosure