

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



**Mayor's Office of Legal Counsel**

October 31, 2017

VIA ELECTRONIC MAIL

Mr. Christopher LaFon

RE: FOIA Appeal 2018-017

Dear Mr. LaFon:

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 Consumer and Regulatory Affairs ("DCRA") failed to respond to your May 25, 2017 request for records concerning a specified property.

This Office contacted DCRA on October 17, 2017, and notified the agency of your appeal. DCRA responded on October 24, 2017, advising us that while an earlier search had been conducted, through an error, the results had not been provided to you.<sup>1</sup> DCRA's response indicated that it was now sending to you the responsive documents that the earlier search had found. However, DCRA's response states that DCRA's new FOIA Officer did not consider the search that had been conducted to be adequate, and that the FOIA Officer planned to complete a more rigorous search in order to provide you with all responsive documents, in accordance with DC FOIA.

Normally, since your appeal was based on DCRA's failure to respond to your request, and the agency has since provided you with a response, we would consider your appeal to be moot. However, DCRA's response admits that it has not conducted an adequate search yet. DCRA's response explains the steps its FOIA Officer intends to take to complete an adequate search and provide to you all responsive documents. This Office accepts DCRA's representation that it has not yet completed its search.

As a result, DCRA shall continue to complete the search that it is conducting, review responsive documents, and provide to you all non-exempt portions within 15 days of this decision. You are free to assert any challenge, by separate appeal to this Office, to the subsequent substantive response DCRA sends you.

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<sup>1</sup> A copy of DCRA's response is attached.

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: Erin Roberts, FOIA Officer, DCRA (via email)