

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



Mayor's Office of Legal Counsel

November 6, 2017

VIA ELECTRONIC MAIL

Gianluca Pivato

RE: FOIA Appeal 2018-022

Dear Mr. Pivato:

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 August 28, 2017 request for records, particularly evaluations and analysis, pertaining to an address.

This Office contacted DCRA on October 23, 2017, and notified the agency of your appeal. On November 6, 2017, DCRA asserted that it retrieved 246 records responsive to your request. DCRA mailed you a CD today containing 189 of the records, portions of which were redacted. DCRA withheld the remaining records for the reasons set forth in the agency's *Vaughn* Index, which was provided to you via email. DCRA further stated that additional responsive records may be disclosed by November 9, 2017, following the conclusion of an ongoing search pertaining to any structural evaluation of the retaining wall at the identified address.

Since your appeal was based on DCRA's failure to respond to your request, and DCRA has now responded by providing documents and representing that it will continue to disclose additional documents as they become available, 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 that DCRA sent 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: Erin Roberts, FOIA Officer, DCRA (via email)