

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



Mayor's Office of Legal Counsel

November 2, 2017

VIA ELECTRONIC MAIL

William Matzelevich

RE: FOIA Appeal 2018-26

Dear Mr. Matzelevich:

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 District of Columbia Department of Transportation (“DDOT”) failed to respond to a request you submitted under DC FOIA.

This Office contacted DDOT on October 27, 2017, and notified the agency of your appeal. DDOT advised us on November 2, 2017, that it provided you with responsive documents for parts of your request.¹ DDOT further advised that documents for the remaining portions of your request would be reviewed and provided to you “within the next 48 hours,” and that DDOT would apprise you of the fees that the review would incur, which are likely to exceed the \$25 you have stipulated to pay. We accept DDOT’s representations.

Since your appeal was based on DDOT’s failure to respond to your request, and DDOT 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 this Office, to DDOT’s substantive response.

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: Karen Calmeise, FOIA Officer, DDOT (via email)

¹ DDOT’s response is attached.