

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



Mayor's Office of Legal Counsel

November 13, 2017

VIA ELECTRONIC MAIL

William Matzelevich

RE: FOIA Appeal 2018-027

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 Department of General Services ("DGS") failed to respond to your October 12, 2017 request for records related to an improvement project at Hearst Park.

This Office contacted DGS on October 27, 2017, and notified the agency of your appeal. DGS responded on November 6, 2017, advising us that it requested that the Office of the Chief Technology Officer conduct an email search to retrieve records responsive to your request, and DGS is still waiting for the results of the search.¹ DGS asserted further that once it receives responsive records, it will review and disclose them in accordance with DC FOIA.

Since your appeal was based on DGS's failure to respond to your request, and the agency has explained that its response will be 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 DGS 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: Victoria Johnson, Program Support Specialist, DGS (via email)

¹ A copy of DGS's response is attached.