

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



Mayor's Office of Legal Counsel

November 15, 2017

VIA ELECTRONIC MAIL

Mr. Shuntay Brown

RE: FOIA Appeal 2018-39

Dear Mr. Brown:

This letter responds to the twelfth administrative appeal you have submitted to the Mayor this year under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). Here, you are challenging the response provided by the Department of Consumer and Regulatory Affairs (“DCRA”) to your request.

Background

On November 13, 2017, you submitted a request to DCRA, which seeks:

All documents regarding District of Columbia Housing Authority and Keller Williams Capitol Properties registered agent corporate file number and date of filing in connection with Superior Court of the District of Columbia case number 2017 sc36014 set for hearing on dec 5 2017.

On November 15, 2017, you filed an appeal that states “Request Created.” Your appeal was not properly filed as it did not include a “Statement of the circumstances, reasons or arguments advanced in support of disclosure” or a “Copy of any written denial,” as required by 1 DCMR § 412.4. Because your appeal was filed two days after you made the request, you have not been constructively denied pursuant to D.C. Official Code § 2-532(e).

This Office did not notify DCRA of your appeal, because there is sufficient information in your filing for us to render a decision on the matter.

Pursuant to D.C. Official Code § 2-532(c)(1), a public body must respond to a DC FOIA request within 15 business days of the receipt of the request. In certain circumstances, a public body may extend its response time by an additional 10 business days. D.C. Official Code § 2-532(d). The initial 15-business day time period had not expired when you filed the instant appeal, therefore rendering the appeal premature.

In light of the foregoing, this Office dismisses your appeal on the grounds that it was prematurely filed. This dismissal shall be without prejudice to you to file a separate appeal if DCRA improperly responds or fails to respond to your request after the statutory deadline.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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