

**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 2018-41

Dear Mr. Brown:

This letter responds to the fourteenth 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 Housing & Community Development (“DHCD”) to your request.

Background

On October 16, 2017, you submitted to DHCD a request, which states:

I'm seeking the payment standards information and all required information regarding the MLS advisement under chapter 36b(Chapter 36B. Lease-Purchase Agreements § 42-3671.10 Advertising) I'm also seeking to know if the information in the MLS is in compliance with Chapter 36B. Lease-Purchase Agreements § 42-3671.10. Advertising

On October 27, 2017, DHCD responded to you by requesting that you clarify your request. This request was made pursuant to 1 DCMR § 402.5.

On November 15, 2017, you appealed DHCD's response. The appeal description stated only “Request Created.” Attached to your appeal was a denial letter from an unrelated FOIA request that you submitted to a different District agency. As a result, 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. Nonetheless, there is sufficient information before us to render a decision on this matter.

We find DHCD's response to your request to be consistent with 1 DCMR § 402.5's requirement that in the event of an ambiguous request, agencies should contact requesters to “supplement the request with the necessary information.” You did not respond to DHCD to clarify your request, therefore your request was never received by DHCD. 1 DCMR § 405.6 (“When the Freedom of Information Officer, pursuant to § 402.5, contacts the requester for additional information, then the request is deemed received when the Freedom of Information Officer receives the additional

information.”) You have not properly filed a request, and therefore DHCD has not denied you access to records.

Conclusion

Based on the foregoing, we affirm DHCD’s decision. This constitutes the final decision of this Office. 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: Tonya Condell, FOIA Officer, DHCD (via email)