

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



Mayor's Office of Legal Counsel

January 10, 2018

VIA ELECTRONIC MAIL

Mr. Shuntay Brown

RE: FOIA Appeal 2018-58

Dear Mr. Brown:

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 Water and Sewer Authority ("DC Water") failed to respond to your November 17, 2017¹ request for records regarding the date a lead test was ordered.

This Office contacted DC Water on December 26, 2017, and notified the agency of your appeal. On December 27, 2017, DC Water provided you with a response to your request, stating that its Department of Water Quality Services searched its records and no responsive records were found.

Since your appeal was based on DC Water's failure to respond to your request, and DC Water 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 the substantive response that DC Water sent you. We note that DC Water's response appears to describe an adequate search for records.

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: Victoria Fleming, FOIA Officer, DC Water (via email)

¹ Your request was initially submitted as a FOIA appeal on November 13, 2017; however, the determination of FOIA Appeal 2018-32 issued on November 17, 2017, found that your submission was actually a new FOIA request to DC Water.