

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

May 4, 2009

[REDACTED]  
Washington, DC 200 [REDACTED]

Dear [REDACTED]

This letter responds to your appeal (the "Appeal") to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code, 2001 Ed. §§ 2-351 *et seq.* ("DC-FOIA"), dated October 28, 2008. We forwarded your Appeal to the District of Columbia Department of Transportation ("DDOT") with a request for a response. DDOT responded to the Appeal on April 13, 2009. The foregoing represents the appellate record, upon which we base this decision.

**Background**

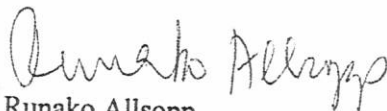
In [REDACTED]'s original FOIA request, submitted on August 19, 2008 and resubmitted on September 8, 2008, [REDACTED] requested information pertaining to the three tree. Specifically [REDACTED] sought:

- "1. all documentation of the work to cut down and dispose of the aforementioned heritage oak tree (hereafter oak tree) including work orders of the Urban Forestry Administration, the Department of Parks and Recreation, any contracts or sub-contracts between Urban Forestry Administration, and any other District department, and any other enterprises involved in the work;
2. all communications, including in writing and by email, about the oak tree and its problems, if any, and reasons for its removal, between any and all Urban Forestry Administration personnel, staff members and personnel of any other District offices, including specifically staff from the Department of Parks and Recreation, or other District arborists and emergency tree services, and contractors and sub-contractors involved in the planning and execution of cutting down the tree;

3. all communications, including landscaping plans, and communications in writing and by email about the tree, between Urban Forestry Administration staff and [REDACTED] and/or any other members of the Board of the Fund for Kalorama Park, for the period of 2005 to the present day, and/or [REDACTED] and any other members of the Archetype Studio, located at 2320 19<sup>th</sup> St., NW, Washington, DC 20009.”

[REDACTED] contends that after twice submitting the same FOIA request to DDOT, he did not receive a response. Therefore, he filed the instant appeal on October 28, 2009.<sup>1</sup> The record reflects that although DDOT did not respond within the 15- day time period for either request and also did not request an extension of time to respond; it did finally reply to [REDACTED] FOIA request on October 29, 2008, the day after he filed his appeal. DDOT provided [REDACTED] with some of the documents, withheld a portion of the records under D.C. Official Code § 2-534(a)(4) and denied being in possession of other requested records. Since DDOT has responded to [REDACTED] FOIA request, his appeal is rendered MOOT and is hereby DISMISSED.

Sincerely,

  
Runako Allsopp  
Deputy General Counsel  
Executive Office of the Mayor

cc:

[REDACTED]

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<sup>1</sup> As part of his appeal to this office, [REDACTED] also submitted a new FOIA request to DDOT and requested that the Mayor's Correspondence Unit forward the request to DDOT. This new FOIA request to DDOT request is not before this office on appeal.