

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

October 26, 2006

By First Class Mail



Washington, DC 20000

Re: Freedom of Information Act Appeal

Dear [REDACTED]

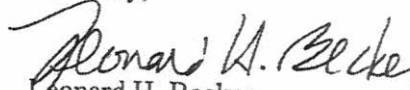
This letter responds to your administrative appeal under the District of Columbia Freedom of Information Act (the "FOIA"), D.C. Official Code § 2-531 *et seq.* (2001 & 2005 Supp.), submitted to this office by fax on October 19, 2006. This office has been designated by the Mayor to review and determine administrative appeals to his office under the FOIA.

You appeal an alleged *de facto* denial of your oral FOIA request submitted to the Department of Consumer and Regulatory Affairs ("DCRA" or "Department") on May 23, 2006. By your request to DCRA, you sought documents related to DCRA's investigation of your May 27, 2005 complaint against Fleetwood Management Company. You state that you have not received a response to your request. Any failure on the part of an agency to respond within the time limits provided by the statute is deemed a denial of the request. *See* D.C. Official Code § 2-532(e) (2001).

On October 19, 2006, this office forwarded an electronic copy of your administrative appeal to the FOIA Officer of DCRA and invited the Department to submit a response by October 26 in accordance with the FOIA implementing rule. *See* 1 D.C.M.R. § 412.5 (2005). In response, on October 24, 2006, the Department forwarded to this office a copy of a letter addressed to you, dated the same day. The letter, from the Department's Deputy Director for Communications and Customer Service, provides a response to your original FOIA request and notes that 19 pages of responsive records were located and provided to you. While we do not condone DCRA's failure to address your initial FOIA request, in light of the Department's disclosure of records responsive to your request, we will dismiss your administrative appeal, without prejudice to your right to reinstate the appeal by letter addressed to this office if for any reason you are dissatisfied with DCRA's response.

Under the FOIA, you may institute a civil action in the District of Columbia Superior Court at any time, seeking appropriate judicial relief.

Sincerely,


Leonard H. Becker
General Counsel

cc: Deborah Britt
FOIA Officer
Department of Consumer and Regulatory Affairs

Linda Argo
Deputy Director for Communications and Customer Service
Department of Consumer and Regulatory Affairs