

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**



**OFFICE OF THE ATTORNEY GENERAL'S FISCAL YEAR 2016**  
**FREEDOM OF INFORMATION ACT LITIGATION REPORT**  
**(October 1, 2015 through September 30, 2016)**

Pursuant to the District of Columbia Freedom of Information Act (“DC FOIA”), this report from the Office of the Attorney General for the District of Columbia (“OAG”) to the Council of the District of Columbia contains the following specified data pertaining to litigation arising under the DC FOIA for the previous fiscal year:

1. The case name and number for each case arising under the DC FOIA;
2. The exemption(s) involved in each case, where applicable;
3. The disposition of the case; and
4. The costs, if any, assessed pursuant to D.C. Official Code § 2-537(c).

D.C. Official Code § 2-538(c) (2001).

**CIVIL LITIGATION DIVISION FY 2016 FOIA REPORT**

**UPDATE ON FOIA CASES FILED PRIOR TO FY 14**

1. a. Case Name/Number: *Fraternal Order of Police v. District of Columbia*, (MPD), Civ. No. 05-7011
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy; D.C. Official Code § 2-534(a)(3)(A)(i) – Law Enforcement Investigatory Records; D.C. Official Code § 2-534(b) – Non-privileged information not reasonably segregable; D.C. Official Code § 2-532(c) – the FOP’s request did not reasonably describe requested documents
- c. Disposition of Case: This case is closed. The Court required continued production based on payments made by the FOP for requested documents. To date, FOP has made approximately 18 payments, totaling \$113,760. The FOP indicated that it does not want any more documents. This matter is now concluded.

- d. Costs Assessed: \$53,544.14.
2. a. Case Name/Number: *Fraternal Order of Police v. District of Columbia*, (MPD), Civ. No. 11-6033
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy; D.C. Official Code § 2-534(a)(4) – Deliberative Process, Law Enforcement, Attorney–Client Privilege, Attorney Work Product, and National Security Interests; D.C. Official Code § 2-534(a)(6) – Statutory Exemption
- c. Disposition of Case: The Court denied the parties’ cross motions for summary judgment. The Court conducted in camera review and upheld the agency’s asserted exemptions. The parties’ dispute on whether the FOP had a right to the search terms used in the agency’s second search, given the District’s argument that the case was moot, is now resolved. The FOP filed a petition for attorney’s fees and costs, and the Court awarded fees and costs in the amount of \$13,279.98 on February 22, 2016. This matter is now concluded.
- d. Costs Assessed: \$13,279.98
3. a. Case Name/Number: *Frankel v. D.C. Office of the Deputy Mayor for Planning and Economic Development*, (EOM), Civ. No. 10-312
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(4) – Deliberative Process and Attorney–Client Privileges
- c. Disposition of Case: Plaintiff’s motion for summary judgment was granted in part on December 16, 2011. Plaintiff’s motion for attorney’s fees and costs was granted in part and denied in part on March 13, 2013. The Court awarded Plaintiff fees and costs in the amount of \$21,110.46. Plaintiff appealed the March 13, 2013 Order awarding fees and costs. On February 12, 2015, the Court of Appeals ruled that attorney’s fees are potentially available where a plaintiff shows a causal nexus between a court action and a FOIA production, whether or not the production was court-ordered. The case was remanded to the Superior Court, and briefing on the fees motions was completed on June 25, 2015. The Court awarded fees and costs in the amount of \$89,721.31 on January 24, 2017. The litigation continues as to Plaintiff’s Third Supplemental Application for Attorney’s Fees and Other Costs of Litigation.

d. Costs Assessed: \$89,721.31 (as of January 24, 2017)

**UPDATE ON FOIA CASES RECEIVED IN FY 2014**

1. a. Case Name/Number: *Kirby Vining v. District of Columbia*, (ANC-5E), Civ. No. 13-8189  
b. Exemption(s) Claimed: Private e-mails of individual commissioners were not subject to FOIA.  
c. Disposition of Case: The District did not prevail on its exemption claim. On November 3, 2015, the Court granted Plaintiff's motion for attorney's fees and costs and awarded him \$65,241 in fees and costs of \$880.90, for a total of \$66,121.90. Both parties appealed from this judgment on November 30, 2015. The appeal is still pending.  
d. Costs Assessed: \$66,121.90.
2. a. Case Name/Number: *James Kane v. District of Columbia*, 2014 CA 3386  
b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(4) – Deliberative process  
c. Disposition of Case: On July 9, 2015, the Court denied Plaintiff's Second Motion for Summary Judgment and dismissed the case. Plaintiff appealed, and the appeal remains pending.  
d. Costs Assessed: None
3. a. Case Name/Number: *Fraternal Order of Police v. District of Columbia*, Civ. No. 11-7550  
b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(3) – Personal Privacy; vague, ambiguous, overly broad  
c. Disposition of Case: The Court granted Plaintiff partial summary judgment in 2013. The District subsequently produced documents. The Court denied Plaintiff's request for fees and costs on November 21, 2014. The FOP has dismissed its remaining claim for declaratory relief. This matter is now concluded.  
d. Costs Assessed: None

**UPDATE ON CLD FOIA CASES RECEIVED IN FY 2015**

1. a. Case Name/Number: *Kenard Johnson v. District of Columbia*, (DOC), 2015 CA 1136 B

- b. Exemption(s) Claimed: None. The District (DOC) is not in possession of Plaintiff's old inmate records.
- c. Disposition of Case: On January 29, 2016, the Court granted summary judgment in the District's favor. This matter is now concluded.
- d. Costs Assessed: None
2. a. Case Name/Number: *Jonathan Cook v. District of Columbia*, 2015 CA 2176 B
- b. Exemption(s) Claimed: None
- c. Disposition of Case: The case settled and responsive documents were produced to Plaintiff. This matter is now concluded.
- d. Costs Assessed: None
3. a. Case Name/Number: *Bruce Void v. Delaney*, (DC Superior Court Clerk), 2015 CA 002356 B
- b. Exemption(s) Claimed: The Superior Court of the District of Columbia is not subject to FOIA.
- c. Disposition of Case: The Court granted Defendant summary judgment on January 15, 2016. This matter is now concluded.
- d. Costs Assessed: None
4. a. Case Name/Number: *Kenard Johnson v. District of Columbia*, (DOC), 2014 CA 6529
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal privacy; D.C. Official Code § 2-534(a)(6) – Exemption by statute
- c. Disposition of Case: On April 3, 2015, the Court dismissed this case. This matter is now concluded.
- d. Costs Assessed: None

**NEW CLD FOIA CASES RECEIVED IN FY 2016**

1. a. Case Name/Number: *James Parker-El v. McGinley, et al.*, (D.C. Superior Court), Civ. No. 15-8556

- b. Exemption(s) Claimed: None
- c. Disposition of Case: The Court granted the District's motion to dismiss on March 15, 2016. Plaintiff appealed, and the appeal remains pending.
- d. Costs Assessed: None
2. a. Case Name/Number: *Ashley Arrington v. District of Columbia*, (D.C. Superior Court), Civ. No. 15-8731
- b. Exemption(s) Claimed: None
- c. Disposition of Case: The Court granted the District's motion to dismiss on March 3, 2016. Plaintiff has appealed. On January 18, 2017, the Court of Appeals affirmed the dismissal. Plaintiff may seek reconsideration or rehearing.
- d. Costs Assessed: None
3. a. Case Name/Number: *Matthew LeFande v. District of Columbia*, (MPD), Civ. No. 15-9223
- b. Exemption(s) Claimed: None
- c. Disposition of Case: This case was never properly served on the District, and the Court dismissed the case for failure to serve the complaint. This matter is now concluded.
- d. Costs Assessed: None
4. a. Case Name/Number: *Wallace Mitchell v. District of Columbia*, (DOC), Civ. No. 16-0733
- b. Exemption(s) Claimed: None
- c. Disposition of Case: The Court dismissed the case on April 26, 2016. The case is over.
- d. Costs Assessed: None
5. a. Case Name/Number: *Friends of McMillan Park v. District of Columbia*, (DMPED), Civ. No. 16-2373

- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(4) – Deliberative Process, Consultant Corollary, and Attorney–Client Privilege; D.C. Official Code § 2-534(a)(1) – Trade Secrets; D.C. Official Code § 2-534(a)(2) – Personal Privacy
- c. Disposition of Case: The District produced an additional 378 documents (1601 pages) on January 13, 2017. The litigation continues.
- d. Costs Assessed: None (as of January 2017)
6. a. Case Name/Number: *Vaughn Bennett v. District of Columbia*, (DCPS), Civ. No. 16-2918
- b. Exemption(s) Claimed: None
- c. Disposition of Case: The District has produced documents. This matter is set for mediation on attorney’s fees.
- d. Costs Assessed: None (as of January 2017)
7. a. Case Name/Number: *Alehegn Mehari v. Mayor*, (DMPED), Civ. No. 16-6102
- b. Exemption(s) Claimed: None
- c. Disposition of Case: The Court granted the District’s motion for summary judgment on November 23, 2016. Plaintiff did not appeal, and the case is over.
- d. Costs Assessed: None

**PUBLIC INTEREST DIVISION FY 2016 FOIA REPORT**

1. a. Case Name/Number: *Washington Teacher’s Union, et al. v. District of Columbia Public Schools*, Civ. No. 15-2651
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy
- c. Disposition of Case: The District won summary judgment in December 2015. This matter is now closed.
- d. Costs Assessed: None.
2. a. Case Name/Number: *FOP, Metropolitan Police Labor Committee v. District of Columbia*, (MPD), Civ. No. 09-0618
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy

- c. Disposition of Case: The Court of Appeals upheld judgment in the District’s favor regarding redactions, and Plaintiff prevailed partially on other issues earlier in the case. This matter is now closed.
- d. Costs Assessed: The District paid \$21,000 for settlement of attorney’s fees and costs.
3. a. Case Name/Number: *FOP, Metropolitan Police Labor Committee v. District of Columbia*, (MPD), Civ. No. 12-4123
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy
- c. Disposition of Case: Closed
- d. Costs Assessed: The District paid \$7,500 for settlement of attorney’s fees and costs.
4. a. Case Name/Number: *FOP, Metropolitan Police Labor Committee v. District of Columbia*, (OPC), 2008 CA 4867 B
- b. Exemption(s) Claimed: D.C. Official Code § 2-534(a)(2) – Personal Privacy; D.C. Official Code § 2-534(a)(3)(c) –law enforcement privilege; D.C. Official Code § 2-534(a)(4) – Privileged Documents.
- c. Disposition of Case: Closed
- d. Costs Assessed: \$4,648.25 to be paid by FOP (to the District)
5. a. Case Name/Number: *Eastern Market Metro Community Ass’n v. District of Columbia*, 2014 CA 005768 B
- b. Exemption(s) Claimed: None
- c. Disposition: Parties are in engaged in settlement of attorney’s fees and costs.
- d. Costs Assessed: None (as of January 2017)
6. a. Case Name/Number: *FOP, Metropolitan Police Labor Committee v. District of Columbia*, 2010 CA 8401 B
- b. Exemption(s) Claimed: None
- c. Disposition: Closed

- d. Costs Assessed: OAG paid \$25,000 for settlement of attorney's fees and costs.
7. a. Case Name/Number: *Thorp v. District of Columbia*, 2016 CA 2486 B
- b. Exemption(s) Claimed: None
- c. Disposition: Open. OAG is preparing a motion for summary judgment.
- d. Costs Assessed: None (as of January 2017)
8. a. Case Name/Number: *Partnership for Civil Justice Fund v. District of Columbia*, 2016 CA 5752 B
- b. Exemption(s) Claimed: None
- c. Disposition: Open
- d. Costs Assessed: None (as of January 2017)
9. a. Case Name/Number: *Energy and Environment Legal Institute v. District of Columbia*, 2016 CA 4111 B
- b. Exemption(s) Claimed: None
- c. Disposition: Closed
- d. Costs Assessed: OAG paid \$250.00 for settlement of attorney's fees and costs.
10. a. Case Name/Number: *Sullivan v. District of Columbia*, 2015 CA 6453 B
- b. Exemption(s) Claimed: None
- c. Disposition: Closed
- d. Costs Assessed: OAG paid \$2,500.00 for settlement of attorney's fees and costs.



# FY 2016 FOIA Appeal Annual Report Log

## Mayor's Office of Legal Counsel

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-001	10/6/2015	10/6/2015	n/a	Kabat	MPD	10/16/2015 REMAND	Delay of Disclosure
MLC2016-002	10/7/2015	10/8/2015	10/19/2015	Jones	DDS	10/19/2015 AFFIRMED	Adequacy of Search
MLC2016-003	10/8/2015	10/8/2015	10/15/2015	Greenlaw	OUC	10/20/2015 AFFIRMED IN PART, REMANDED IN PART	(a)(2), Specificity of Request, Adequacy of Search
MLC2016-004	10/9/2015	10/9/2015	10/14/2015	Greenlaw	MPD	10/16/2015 UNRIPE	Failure to Respond
MLC2016-005	10/19/2015	10/19/2015	11/2/2015	Kutner	DISB	11/2/2015 REMANDED	Adequacy of Search
MLC2016-006	10/19/2015	10/19/2015	10/19/2015	Upadhyaya	DOEE	10/20/2015 MOOT	Delay of Disclosure
MLC2016-007	10/26/2015	10/26/2015	11/2/2015	Burton	UDC	11/3/2015 MOOT	Failure to Respond
MLC2016-008	10/26/2015	10/26/2015	11/5/2015	Barnekow	DOH	11/9/2015 MOOT	Adequacy of Search
MLC2016-009	10/26/2015	10/26/2015	11/2/2015	Fadero	OPC/MPD	11/3/2015 AFFIRMED	(a)(2), (a)(3)(C)
MLC2016-010	10/27/2015	n/a	n/a	Evans	EOM	10/28/2015 NO JURISDICTION	Request to D.C. Superior Court
MLC2016-011	11/5/2015	11/5/2015	11/13/2015	Fuentes	DHCF	11/24/2015 AFFIRMED IN PART, REMANDED IN PART	(a)(1)
MLC2016-012	11/5/2015	11/5/2015	11/16/2015	Legg	MPD	11/16/2015 AFFIRMED	(a)(2), (a)(3)(C), Adequacy of Search, Glomar response
MLC2016-013	11/23/2015	11/24/2015	12/3/2015	Soares	DHCF	12/15/2015 AFFIRMED IN PART, REMANDED IN PART	(a)(1)
MLC2016-014	11/25/2015	11/25/2015	12/15/2015	Padou	DMPED	12/16/2015 AFFIRMED IN PART, REMANDED IN PART	(a)(1), (a)(4)

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-015	11/30/2015	12/1/2015	12/11/2015	Greenlaw	MPD	12/21/2015 REMANDED	(a)(2), Adequacy of Search, Glomar Response
MLC2016-016	12/2/2015	n/a	n/a	Marin	EOM	12/2/2015 NO JURISDICTION	Request to Federal Agency
MLC2016-017	12/2/2015	12/2/2015	12/9/2015	Agolli	OUC	12/15/15 AFFIRMED IN PART, REMANDED IN PART	Format of Disclosure
MLC2016-018	12/7/2015	12/7/2015	12/14/2015	Champa	DCPS	12/18/2015 AFFIRMED	Adequacy of Search, Format of Disclosure
MLC2016-019	12/8/2015	12/9/2015	12/16/2015	Ptaczek (Moeser)	OCFO	12/23/2015 AFFIRMED	(a)(2), (a)(4)
MLC2016-020	12/16/2015	12/16/2015	12/23/2015	Sadowski	DCHF	1/8/2016 AFFIRMED	(a)(2)
MLC2016-021	12/18/2015	12/18/2015	12/22/2015	Ptaczek (Moeser)	OCFO	12/23/2016 AFFIRMED	(a)(2), (a)(4)
MLC2016-022	12/18/2015	12/18/2015	1/8/2016	Sommer	EOM	1/11/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(4)
MLC2016-023	12/21/2015	12/21/2015	1/6/2016	Eckenwiler	DCRA	1/6/2016 MOOT	Failure to Respond
MLC2016-024	12/21/2015	12/21/2015	12/29/2015	Sommer	MPD	1/8/2016 AFFIRMED	(a)(2), (a)(3)(C)
MLC2016-025	12/23/2015	12/23/2015	12/29/2015	Cook	MPD	1/4/2016 MOOT	Failure to Respond
MLC2016-026	1/11/2016	1/11/2016	2/1/2016	Eckenwiler	DCRA	2/8/2016 REMANDED	(a)(4), Mandatory Disclosure
MLC2016-027	1/13/2016	1/13/2016	n/a	Murray	OCFO	1/15/16 WITHDRAWN	Insufficient Response
MLC2016-028	1/14/2016	1/14/2016	1/22/2016	Marshall	DOEE	1/27/2016 MOOT	Failure to Respond

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-029	1/20/2016	1/20/2016	2/3/2016	Cryder	OTR	2/9/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(4)
MLC2016-030	1/21/2016	1/21/2016	2/2/2016	Bennett	OSSE	2/9/2016 REMANDED	Adequacy of Search
MLC2016-031	1/28/2016	1/28/2016	3/17/2016	Bennett	OPGS	4/14/2016 MOOT	Insufficient Response (Suspended on February 1 with consent while EOM responded.)
MLC2016-032	2/4/2016	2/4/2016	2/16/2016	Cook	DOC	2/17/2016 REMANDED	Failure to Respond, (a)(2)
MLC2016-033	2/4/2016	2/4/2016	2/8/2016	Cook	MPD	2/9/2016 MOOT	Failure to Respond
MLC2016-034	2/4/2016	2/4/2016	2/17/2016	Ariel	DC Water	2/18/2016 REMANDED	Failure to Respond, Overly Burdensome Request
MLC2016-035	2/5/2016	2/5/2016	2/12/2016	Bennett	DCPS	2/23/2016 AFFIRMED	Adequacy of Search
MLC2016-036	2/10/2016	2/10/2016	2/24/2016	Kaplan	DOC	1/14/2016 REMANDED	(a)(1), Agency Record
MLC2016-037	2/18/2016	2/18/2016	3/1/2016	McCoy	DOH	3/2/2016 AFFIRMED	Adequacy of Search, Form of Request
MLC2016-038	2/24/2016	2/24/2016	3/2/2016	Plotnick	OSSE	3/2/2016 MOOT	Failure to Respond
MLC2016-039	2/24/2016	2/25/2016	3/9/2016	Robinson	MPD	3/11/2016 AFFIRMED	(a)(2), (3)(A)(i), (a)(3)(C)
MLC2016-040	2/26/2016	2/26/2016	3/3/2016	Agolli	OUC	3/16/2016 AFFIRMED	Adequacy of Search

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-41	2/29/2016	2/29/2016	5/3/2016	Tortora	DCRA	5/4/2016 AFFIRMED	Adequacy of Search (Suspended while DCRA and requester clarified request.)
MLC2016-42	3/2/2016	3/2/2016	3/23/3016	Hughes	MPD	3/28/2016 REMANDED	(a)(2)
MLC2016-43	3/2/2016	3/3/2016	3/15/2016	Cook	MPD	3/16/2016 AFFIRMED	(a)(2), (a)(3)(C), Glomar Response
MLC2016-44	3/7/2016	3/7/2016	3/9/2016, 3/11/2016	Cook	MPD	3/14/2016 MOOT	Failure to Respond
MLC2016-45	3/7/2016	3/7/2016	3/20/2016	Gibson	MPD	3/25/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2)
MLC2016-46	3/10/2016	3/10/2016	3/22/2016	Sushner	DCRA	3/22/2016 MOOT	Failure to Respond
MLC2016-47	3/15/2016	3/15/2016	3/22/2016	Lewis	DCLB, OCFO	3/28/2016 AFFIRMED	Adequacy of Search
MLC2016-48	3/25/2016	n/a	n/a	Legg	WMATA	3/28/16 No Jurisdiction	Request to WMATA
MLC2016-49	3/29/2016	3/29/2016	4/6/2016	Ruth	MPD	4/12/2016 AFFIRMED	(a)(2), Adequacy of Search
MLC2016-50	4/6/2016	4/6/2016	4/13/2016	Jones	DOC	4/20/2016 AFFIRMED	Adequacy of Search
MLC2016-51	4/6/2016	4/6/2016	4/20/2016	Bailey	MPD	4/21/2016 AFFIRMED	(a)(2), (a)(3)(C)
MLC2016-52	4/12/2016	4/12/2016	4/26/2016	Davis	DOC	4/26/2016 AFFIRMED	Adequacy of Search
MLC2016-53	4/14/2016	4/14/2016	4/25/2016	Golinker	OSSE	5/4/16 REMANDED	(a)(2), (a)(4)
MLC2016-54	4/14/2016	4/14/2016	4/29/2016	Correa	MOLA	4/29/2016 MOOT	Failure to Respond
MLC2016-55	4/18/2016	4/18/2016	5/9/2016	El Rey	OAG	5/11/2016 NOT RIPE	Failure to Respond
MLC2016-56	4/20/2016	4/20/2016	5/3/2016	Madsen	MPD	5/4/2016 MOOT	Failure to Respond
MLC2016-57	4/27/2016	4/27/2016	5/3/2016	Roberts	DDS	5/11/2016 AFFIRMED	(a)(2), (a)(6)
MLC2016-58	4/29/2016	4/29/2016	5/2/2016	Hughes	DMV	5/2/2016 MOOT	Failure to Respond

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-59	5/2/2016	5/2/2016	5/12/2016	Spitzer	OSSE	5/16/2016 MOOT	Failure to Respond
MLC2016-60	5/2/2016	5/2/2016	5/16/2016	Hughes	MPD	5/16/16 AFFIRMED	Adequacy of Search
MLC2016-61	5/2/2016	5/2/2016	5/12/2016	Nugent	OSSE	5/16/2016 MOOT	Failure to Respond
MLC2016-62	5/2/2016	5/2/2016	5/12/2016	Nugent	OSSE	5/16/2016 MOOT	Failure to Respond
MLC2016-63	5/5/2016	5/5/2016	5/18/2016	Bastnagel	MPD	5/20/2016 AFFIRMED	Adequacy of Search
MLC2016-64	5/9/2016	5/9/2016	5/16/2016, 5/26/2016	Madsen	MPD	5/26/16 AFFIRMED IN PART, REMANDED IN PART	Adequacy of Search
MLC2016-65	5/9/2016	5/9/2016	5/16/2016	Madsen	DCHA	5/25/2016 AFFIRMED	(a)(2)
MLC2016-66	5/19/2016	n/a	n/a	Reyes	USCIS	5/24/2016 NO JURISDICTION	Request to Federal Agency
MLC2016-67	5/24/2016	5/24/2016	6/7/2016	Slota	MPD	6/10/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(4), Consent Waiver
MLC2016-68	5/27/2016	5/27/2016	5/27/2016	Mayo	DOH	6/10/2016 AFFIRMED	Adequacy of Search
MLC2016-69	5/31/2016	5/31/2016	6/10/2016	Gardner	ANC	6/13/20016 MOOT	Failure to Respond
MLC2016-70	6/1/2016	6/1/2016	6/14/2016	Oster	DCRA	6/14/2016 MOOT	Failure to Respond
MLC2016-71	6/6/2016	6/6/2016	6/6/2016	Brooks	DCRA	6/20/16 AFFIRMED	(a)(2)
MLC2016-72	6/6/2016	6/6/2016	6/10/2016	Hughes	DMV	6/17/2016 AFFIRMED	Adequacy of search
MLC2016-73	6/9/2016	6/9/2016	6/20/2016	Recio	DCPS	6/27/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(3)(C), (a)(4), Reasonable Redaction
MLC2016-74	6/14/2016	6/15/2016	6/28/2016	Mulhauser	MPD	6/28/2016 MOOT	Failure to Respond
MLC2016-75	6/15/2016	6/15/2016	6/22/2016	Wellbank	OCP	6/27/2016 MOOT IN PART, REVERSED IN PART	(a)(2), MLC2016-75R 7/21/2016 AFFIRMED
MLC2016-76	6/15/2016	6/15/2016	6/27/2016	Cooper	OSSE	6/30/2016 REMANDED	Creation of Record

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-77	6/17/2016	6/17/2016	6/23/2016	Ogunsula	DCPL	7/1/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2), (a)(6)
MLC2016-78	6/20/2016	6/20/2016	6/30/2016	Frank	MPD	7/1/2016 MOOT	Failure to Respond
MLC2016-79	6/20/2016	6/20/2016	6/28/2016	Miller	MPD	7/6/2016 MOOT	Adequacy of search
MLC2016-80	6/21/2016	6/21/2016	6/30/2016	Michelman	DCPS	7/7/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2), (a)(4)
MLC2016-81	6/21/2016	6/21/2016	6/30/2016	Preddie	DCRA	7/6/2016 REVERSED AND REMANDED	(a)(2)
MLC2016-82	6/21/2016	6/21/2016	6/28/2016	Schwartz	OEA	6/29/2016 MOOT	Failure to Respond
MLC2016-83	6/23/2016	6/23/2016	7/1/2016	Eckenwiler	DCRA	7/6/2016 MOOT	Failure to Respond
MLC2016-84	6/23/2016	6/23/2016	7/7/2016	Cuesta	MPD	7/13/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2), (a)(3), (a)(4)
MLC2016-85	7/12/2016	7/12/2016	7/12/2016	Barnekow	DBH	7/13/16 WITHDRAWN	Failure to Respond
MLC2016-86	7/12/2016	7/12/2016	7/15/2016	Brookens	OAH	7/20/2016 MOOT	Failure to Respond
MLC2016-87	7/20/2016	7/20/2016	7/26/2016	Barnekow	DBH	7/27/2016 MOOT	Failure to Respond
MLC2016-88	7/25/2016	7/25/2016	7/26/2016	Watters	DMV	8/8/2016 AFFIRMED	(a)(6)
MLC2016-89	7/25/2016	7/25/2016	8/3/2016	Cryder	OTR	8/8/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(1), (a)(4), (a)(6), 8/26/16 MLC2016-89R AFFIRMED Remainder of Exemptions
MLC2016-90	7/29/2016	n/a	n/a	Winslow	EOM	8/1/16 NO JURISDICTION	Request to Federal Agency
MLC2016-91	8/3/2016	8/3/2016	8/24/2016	Weaver	DHCD	8/24/2016 REMANDED	Failure to Respond, Adequacy of Search

FOIA APPEAL NUMBER	Date Received in MOLC	Date sent to Agency	Date Returned	Requester	FOIA Agency	Decision	Exemption, Issue
MLC2016-92	8/8/2016	8/8/2016	8/15/2016	Tolson	MPD	8/19/2016 MOOT	Failure to Respond
MLC2016-93	8/8/2016	8/9/2016	8/10/2016	Barber	OAH	8/11/2016 UNRIPE	Receipt of Request
MLC2016-94	8/11/2016	8/11/2016	8/23/2016	Prohaska	MPD	8/25/2016 AFFIRMED	(a)(3)(A)(i)
MLC2016-95	8/11/2016	8/11/2016	8/25/2016	Loeb	DGS	8/26/2016 MOOT	Overly Broad Request
MLC2016-96	8/23/2016	8/23/2016	8/25/2016	Hazel	OCME	9/8/2016 AFFIRMED	Adequacy of search
MLC2016-97	8/24/2016	8/24/2016	8/25/2016	Rabinowitz	FEMS	8/30/2016 MOOT	Failure to Respond
MLC2016-98	9/6/2016	9/6/2016	9/16/2016	McKeon	OSSE	9/20/2016 MOOT	Failure to Respond
MLC2016-99	9/6/2016	9/6/2016	9/15/2016	Hughes	MPD	9/15/2016 MOOT	Receipt of Request
MLC2016-100	9/7/2016	9/7/2016	9/19/2016	Jarashow	DCHR	9/21/2016 MOOT IN PART, AFFIRMED IN PART	(a)(2)
MLC2016-101	9/8/2016	9/8/2016	9/21/2016	Smith	DCRA	9/22/2016 AFFIRMED	Adequacy of search; Form of Request
MLC2016-102	9/13/2016	9/13/2016	9/16/2016	Thabit	DHS	9/16/2016 MOOT	Failure to Respond
MLC2016-103	9/13/2016	9/13/2016	9/22/2016	Richardson	OAG	9/28/2016 REMANDED	(a)(4), Common Interest Doctrine
MLC2016-104	9/19/2016	9/19/2016	9/20/2016	Barber	OAH	9/21/2016 MOOT	Failure to Respond
MLC2016-105	9/19/2016	9/19/2016	9/26/2016	Scott	OCFO	11/7/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2), (a)(4) (Temporarily Suspended)
MLC2016-106	9/19/2016	9/19/2016	9/22/2016	Barber	OAH	10/11/2016 AFFIRMED IN PART, REMANDED IN PART	(a)(2), (a)(4)
MLC2016-107	9/16/2016	9/19/2016	9/23/2016	Mulhauser	MPD	9/28/2016 MOOT	Adequacy of search
MLC2016-108	9/19/2016	9/16/2016	9/29/2016	Benowitz	MPD	10/3/2016 AFFIRMED	(a)(3)(C)
MLC2016-109	9/21/2016	9/21/2016	9/30/2016	Hughes	MPD	10/3/2016 AFFIRMED	Adequacy of search
MLC2016-110	9/21/2016	9/21/2016	9/30/2016	Williams	MPD	10/3/2016 AFFIRMED	Adequacy of search

<b>FOIA APPEAL NUMBER</b>	<b>Date Received in MOLC</b>	<b>Date sent to Agency</b>	<b>Date Returned</b>	<b>Requester</b>	<b>FOIA Agency</b>	<b>Decision</b>	<b>Exemption, Issue</b>
MLC2016-111	9/29/2016	9/29/2016	10/12/2016	Eckenwiler	DCRA	10/21/2016 MOOT	Failure to Respond



## FY 2016 FOIA Appeal Summaries

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### Mayor's Office of Legal Counsel

**2016-1 Kabat** – Request for records related to MPD's body-worn camera program. The delay of MPD's response was found to be an unwarranted withholding, and MPD was ordered to begin disclosing responsive records.

**2016-2 Jones** – Request for records related to an investigation. DDS's response was affirmed on the basis that DDS conducted an adequate search and no responsive records were found.

**2016-3 Greenlaw** – Request for 911 calls that resulted in a specific police dispatch. OUC's position was that it conducted a search and the record retrieved was not responsive. The decision was remanded because the language of the request was sufficiently written. OUC's position that the record contained information implicating personal privacy was partially affirmed.

**2016-4 Greenlaw** – Request for records related to an incident on a specified date. Because the request was similar to a previous request MPD received, MPD initially ignored the request as duplicative. The request was further delayed due to administrative error. MPD was ordered to disclose its response, and the appeal was dismissed as unripe.

**2016-5 Kutner** – Request for records related to health insurance contracts. DISB's response was remanded for performing an inadequate search based on the definition of the "public record."

**2016-6 Udaphyaya** – Request for records related to a property. DOEE discovered that its disclosure was not processed due to the large size of the files. DOEE re-sent the records and the appeal was dismissed as moot.

**2016-7 Burton** – Request for records related to the investigation of a complaint. The appeal was dismissed as moot because UDC released responsive records after the appeal was filed.

**2016-8 Barnekow** – Request for records related to the licensure of a physician. The appeal, based on the adequacy of DOH's search, was dismissed as moot because DOH found responsive records while the appeal was pending.

**2016-9 Fadero** – Request for records related to complaints against a police officer. The decisions by the MPD the OPC were affirmed on the basis of personal privacy interests in records compiled for law enforcement purposes.

**2016-10 Evans** – Request for records from D.C. Superior Court. The appeal was dismissed based on lack of jurisdiction.

**2016-11 Fuentes** – Request for records related to a transportation assistance program. DHFC's decision was largely affirmed on the basis of protection of trade secrets and commercial or

financial information. The DHFC's decision was partially remanded to disclose a document that did not appear to contain a trade secret, commercial or financial information.

**2016-12 Legg** – Request for records related to a police officer. MPD's response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-13 Soares** – Request for records related to the provision of case management services. DHFC's response was affirmed in part on the basis of protection of trade secrets and commercial or financial information. DHFC's response was remanded in part to disclose a document that did not appear to contain commercially valuable information.

**2016-13R Soares** – DHCF made a request for reconsideration of the decision regarding three documents in FOIA Appeal 2016-13. The decision to disclose two of the documents was affirmed, but a company training manual was found to be protected commercial information.

**2016-14 Padou** – Request for records related to the development of the McMillan Park. DMPED's decision was affirmed in part based on the deliberative process privilege and the sensitivity of commercial information. DMPED's decision was remanded in part to disclose redacted emails that were withheld in their entirety.

**2016-015 Greenlaw** – Request for records related to a detention by the MPD on July 30, 2015. MPD's decision was remanded for excessive redaction beyond what was necessary to protect personal privacy and improper use of a *Glomar* response.

**2016-016 Marin** – Request for records from U.S. Customs and Border Protection. The appeal was dismissed based on lack of jurisdiction.

**2016-017 Agolli** – Request for records of phone calls made to 911 in March and April of 2013. OUC's disclosure was affirmed in part because the agency met the formatting requirements for disclosure. OUC's response was remanded in part and directed to reissue its denial letter in accordance with DC FOIA.

**2016-018 Champa** – Request for records related to lottery results. DCPS's response was affirmed on the basis that it conducted an adequate search and appropriately produced all responsive records in an appropriate format.

**2016-019 Ptaczek (Moeser)** – Request for records related to lottery security procedures. OCFO's decision was affirmed on the basis of the deliberative process privilege.

**2016-020 Sadowski** – Request for records related to housing vouchers and credits. DCHA's decision was affirmed on the basis of personal privacy.

**2016-021 Ptaczek (Moeser)** – Request for records related to requests made by the Chief Financial Officer. OCFO's decision was affirmed on the basis of the deliberative process privilege.

**2016-022 Sommer** – Request for emails related to FreshPAC. EOM’s use of redaction and withholding on the basis of the deliberative process privilege was partially affirmed and partially remanded because certain emails did not qualify as inter-agency documents or lacked deliberation.

**2016-023 Eckenwiler** – Request for records related to a building permit. The appeal was dismissed as moot because DCRA disclosed responsive records while the appeal was pending.

**2016-024 Sommer** – Request for surveillance footage related to an arrest. MPD’s decision was affirmed on the basis of personal privacy.

**2016-025 Cook** – Request for records related to a record management system. The appeal was dismissed as moot because MPD represented that it would disclose responsive records while the appeal was pending.

**2016-026 Eckenwiler** – Request for records related to a building permit. In response to the appeal, DCRA revised its position by re-sending a reformatted document that was previously illegible and removing redactions made to a document. DCRA’s decision was remanded further based on its affirmative duty to disclose records related to permitting and its improper application of the deliberative process and attorney-client privileges to certain documents.

**2016-027 Murray** – Request for records primarily related to budget and staffing. The appeal was withdrawn after OFCO provided information on the records sought.

**2016-028 Marshall** – Request for records related to blood lead levels of certain individuals. The appeal was dismissed as moot because DOEE disclosed responsive records while the appeal was pending.

**2016-029 Cryder** – Request for records related to a cap rate study. OTR’s decision was affirmed in part on the basis of the deliberative process privilege and remanded in part because certain records did not meet the standard for protection under the deliberative process privilege.

**2016-030 Bennett** – Request for records related to a chess tournament. OSSE’s decision was remanded for performing an inadequate search.

**2016-031 Bennett** – Request for records related to a donation to a DC public school. After OPGS’s response to the appeal, the appeal was dismissed as moot based on the lack of response from the requester.

**2016-032 Cook** – Request for records related to “good time credit” in correctional facilities. DOC’s decision was remanded on the basis that protection of personal privacy does not allow the withholding documents of to prevent potential unauthorized computer access.

**2016-033 Cook** – Request for records related to the resolution of criminal charges through the post and forfeit procedure. The appeal was dismissed as moot because MPD responded while the appeal was pending.

**2016-034 Ariel** – Request for records related to maintenance, repair, or construction at a specific address in late 2015. WASA’s decision was remanded on the basis that the request was adequately described.

**2016-035 Bennett** – Request for records related to chess tournaments. DCPS’s response was affirmed on the basis that it conducted an adequate search and produced all responsive records.

**2016-036 Kaplan** – Request for records related to halfway house services. DOC’s response was remanded because records created by contractors performing public functions are generally considered public records and because DOC could not claim the protection of commercial information without reviewing the underlying documents.

**2016-037 McCoy** – Request for records related to laboratory accreditation and testing. DOH’s response was affirmed on the basis that it conducted an adequate search and appropriately produced responsive records. Additionally, part of the request was a question rather than a request for public records.

**2016-038 Plotnick** – Request for records related to a child development center. The appeal was dismissed as moot because OSSE disclosed responsive records while the appeal was pending.

**2016-039 Robinson** – Request for records related to a criminal investigation. MPD’s response was affirmed on the basis that disclosure would interfere with enforcement proceedings.

**2016-040 Agolli** – Request for records related to 911 and 311 calls. OUC’s response was affirmed on the basis that it conducted an adequate search and appropriately produced responsive records.

**2016-41 Tortora** – Request for records related to a business license. The requestor agreed to suspend the appeal while DCRA conducted an additional search. DCRA’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-42 Hughes** – Request for records related to a stolen vehicle. MPD’s decision was remanded on the basis that personal privacy could be protected through redaction rather than withholding documents in their entirety.

**2016-43 Cook** – Request for records related to complaints against police officers. MPD’s decision was affirmed on the basis of personal privacy interests in records compiled for law enforcement purposes.

**2016-44 Cook** – Request for records related to “arrest packets.” The appeal was dismissed as moot because MPD responded to the request while the appeal was pending.

**2016-45 Gibson** – Request for records related to a collision with a pedestrian. The MPD’s decision was affirmed in part for photographs that showed information on an alleged sexual assault. The MPD’s decision was remanded in part because there was not a sufficient privacy interest to withhold surveillance footage when the pedestrian involved sought disclosure.

**2016-46 Sushner** – Request for emails. The appeal was dismissed as moot because DCRA disclosed responsive documents while the appeal was pending.

**2016-47 Lewis** – Request for records related to Powerball lottery results. OCFO’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-48 Legg** – Request for records from WMATA. The appeal was dismissed based on lack of jurisdiction.

**2016-49 Ruth** – Request for records related to a former police officer. MPD’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found. MPD was discouraged from claiming exemptions prior to conducting an adequate search and review.

**2016-50 Jones** – Request for records related to a “computation sheet.” DOC’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-51 Bailey** – Request for arrest photographs. MPD’s decision was affirmed on the basis of personal privacy interests in records compiled for law enforcement purposes, recognizing that there is a split on how jurisdictions handle disclosure of arrest photographs.

**2016-52 Davis** – Request for records related to an inmate. DOC’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-53 Golinker** – Request for records related to evaluations of hearing officers. OSSE’s decision to withhold documents based on personal privacy and the deliberative process privilege was remanded on the basis that the documents could be disclosed with reasonable redactions.

**2016-54 Correa** – Request for records related to funding of organizations. The appeal was dismissed as moot because MOLA represented that it would respond to the request while the appeal was pending.

**2016-55 El Rey** – Request for records related to a criminal case. The appeal was dismissed as unripe because it was not received by the OAG prior to the filing of the appeal.

**2016-56 Madsen** – Request for records related to “bar notices.” The appeal was dismissed as moot because MPD responded to the request while the appeal was pending.

**2016-57 Roberts** – Request for records related to a death that occurred in a DDS facility. DDS’s response was affirmed on the basis that the Intellectual Disability Constitutional Rights and Dignity Act of 1978 prohibits disclosure of the records.

**2016-58 Hughes** – Request for records related to a vehicle. The appeal was dismissed as moot because DMV responded to the request while the appeal was pending.

**2016-59 Spitzer** – Request for records related to proposed rulemaking regarding child development facilities. The appeal was dismissed as moot because OSSE disclosed responsive records to the request while the appeal was pending.

**2016-60 Hughes** – Request for records related to a stolen vehicle. MPD’s response was affirmed on the basis that it conducted an adequate search and appropriately produced responsive records.

**2016-61 Nugent** – Request for records related to a school. The appeal was dismissed as moot because OSSE responded to the request while the appeal was pending.

**2016-62 Nugent** – Request for records related to psychiatric services. The appeal was dismissed as moot because OSSE responded to the request while the appeal was pending.

**2016-63 Bastnagel** – Request for records related to evidence in a criminal case. MPD’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-64 Madsen** – Request for records related to barring notices. The adequacy of MPD’s search was affirmed in part based on MPD’s search of physical records and remanded in part for MPD to conduct a more thorough search for email records.

**2016-65 Madsen** – Request for records related to barring notices. The DCHA’s use of redactions was affirmed on the basis of personal privacy.

**2016-66 Reyes** – Request for records related to U.S. immigrations. The appeal was dismissed based on lack of jurisdiction.

**2016-67 Slota** – Request for records related to the evaluation of an application. MPD’s response was affirmed in part on the basis that several responsive documents were protected by the deliberative process privilege. MPD’s response was remanded in part because it improperly asserted that a consent waiver prohibited disclosure under FOIA.

**2016-68 Mayo** – Request for records related to licensure exam scores. DOH’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-69 Gardner** – Request for records related to a liquor license application. The appeal was dismissed as moot because the ANC responded to the request while the appeal was pending.

**2016-70 Oster** – Request for noise inspection reports. The appeal was dismissed as moot because DCRA provided a response after the appeal was filed

**2016-71 Brooks** – Request for complaints filed against the requester. DCRA’s decision was affirmed based on the personal privacy exemptions.

**2016-72 Hughes** – Request for vehicle registration history. DMV’s response was affirmed on the basis that it conducted an adequate search and no further responsive records were found.

**2016-73 Recio** – Request for records related to an incident at a school. DCPS’s response was affirmed in part as it related to the investigatory record personal privacy exemption and the public interest did not outweigh the private interest. DCPS’s response was remanded in part as it related to the deliberative process privilege because the withheld records were shared with a non-government entity.

**2016-74 Mulhauser** – Request for records pertaining to the creation of a video shown at an MPD presentation to the Council. The appeal was dismissed as moot because MPD provided a response after the appeal was filed.

**2016-75 Wellbank** – Request for enumerated contracts. The appeal was dismissed as moot in part because OCP provided responsive documents after the appeal was filed. OCP’s decision was remanded in part on the grounds that incorporated entities do not have a privacy interest, therefore redactions made pursuant to the privacy exemption were improper.

**2016-76 Cooper** – Request for teacher-level administrative datasets of demographics for charter and public school teachers. OSSE’s decision was remanded on the grounds that it maintained the requested data and providing the data would not amount to the creation of a new record.

**2016-77 Ogunsula** – Request for surveillance cameras and login information of identified computers. DCPL’s decision was affirmed in part because use of library material by patrons is protected from disclosure by statute, and reasonable redaction of the footage was not feasible for the agency. DCPL’s decision was remanded in part because personally identifiable information in the login information could have been reasonably redacted.

**2016-78 Frank** – Request for records pertaining to a vehicle pursuit and crash. The appeal was dismissed as moot because MPD provided a response after the appeal was filed.

**2016-79 Miller** – Request for surveillance and investigation records related to requester. MPD’s response was affirmed on the basis that it conducted an adequate search and no responsive records were found.

**2016-80 Michelman** – Request for Empowering Males of Color initiative documents. DCPS’s decision to withhold a draft grant application was affirmed, as the record was protected by the

deliberative process. DCPS's decision to withhold resumes and biographical information of successful applicants was remanded due to the established public interest in such documents.

**2016-81 Preddie** – Request for resume and application of named employee. DCRA's decision was remanded because of the overriding public interest in the resume and application information provided by a successful applicant for a government position.

**2016-82 Schwartz** – Request for administrative orders. The appeal was dismissed as moot because OEA provided a response after the appeal was filed.

**2016-83 Eckenwiler** – Request for responses to FOIA requests. The appeal was dismissed as moot because DCRA provided a response after the appeal was filed.

**2016-84 Cuesta** – Request for investigatory records related to the death of a child. MPD's decision was affirmed in part, as it related to the attorney-client privilege and the investigatory record privilege. MPD's decision was remanded in part, as the claimed assertion of the deliberative process privilege was overly broad.

**2016-85 Barnekow** – Request for rehabilitation services records. This appeal was withdrawn by the requester before a decision was issued.

**2016-86 Brookens** – Request for administrative filings. The appeal was dismissed as moot because OAH provided a response after the appeal was filed.

**2016-87 Barnekow** – Request for day treatment services records. The appeal was dismissed as moot because DBH provided a response after the appeal was filed.

**2016-88 Watters** – Request for insurance information. DMV's decision was affirmed because the requested information was specifically protected by a privacy statute and required sufficient written proof to be released.

**2016-89 Cryder** – Request for commercial office building assessments. OTR's decision was affirmed in part, as it related to deliberative documents withheld. OTR's decision was remanded in part, as it related to commercial and tax information, to provide a more substantive explanation of its withholding.

**2016-90 Winslow** – Request for federal records. Appeal was dismissed, as DC FOIA does not grant the Mayor jurisdiction over decisions issued by federal agencies.

**2016-91 Weaver** – Request for records related to public housing. The appeal was remanded, as DHCD's search was found to be inadequate.

**2016-92 Tolson** – Request for records related to requester's unsuccessful application. The appeal was dismissed as moot because MPD provided a response after the appeal was filed.



**2016-93 Barber** – Request for emails related to requester. The appeal was remanded, as the initial request had been made alongside a discovery request; as a result, OAH had not construed the request as having been submitted under FOIA.

**2016-94 Prohaska** – Request for written documents related to a homicide investigation. MPD’s decision was affirmed because release of the investigatory records could have interfered with an ongoing enforcement proceeding.

**2016-95 Loeb** – Request for records related to a potential swimming pool at Hearst Park. The requester initially refused to refine her search terms when requested by DGS. Upon refinement of the terms, DGS conducted a second search that produced a voluminous number of documents. The appeal was dismissed as moot, as DGS represented it would release all non-exempt documents as soon as they were reviewed.

**2016-96 Hazel** – Request for medical examiner personnel records from the 1990s. OCME’s decision was affirmed, as OCME conducted an adequate search that yielded no responsive records.

**2016-97 Rabinowitz** – Request for records related to response time to emergency calls. The appeal was dismissed as moot because after the appeal was filed FEMS represented that it would disclose the requested documents in full.

**2016-98 McKeon** – Request for records related to special education. The appeal was dismissed as moot because OSSE provided a response after the appeal was filed.

**2016-99 Hughes** – Request for search warrant inventories and receipts. The appeal was dismissed as moot because MPD did not receive the request until the appeal was filed.

**2016-100 Jarashow** – Request for a final administrative decision and administrative record. The appeal was dismissed as moot because DCHR provided the requested documents after the appeal was filed.

**2016-101 Smith** – Request for housing business licenses information. DCRA’s decision was affirmed, as DCRA conducted an adequate search that yielded no responsive records. Further, DCRA was not required to answer interrogatories.

**2016-102 Thabit** – Request for program records. The appeal was dismissed as moot because DHS provided the requested documents after the appeal was filed.

**2016-103 Richardson** – Request for agreement and correspondence of state attorneys general. OAG’s decision was remanded, as the withheld non-District documents were not made pursuant to a common litigation interest and therefore could not be withheld as interagency records.

**2016-104 Barber** – Request for emails related to requester. OAH provided proof of service that it had responded to the request and therefore did not constructively deny it. Appeal was dismissed as moot.

**2016-105 Scott** – Request for agreements with IRS concerning James F. Oyster Elementary School Pilot Revenue Bonds. OCFO’s response was affirmed in part because some of the documents were properly withheld pursuant to the attorney-client and the attorney work-product privileges. OCFO’s response was remanded in part and ordered to reasonably redact a form that should not be withheld in its entirety.

**2016-106 Barber** – Request for emails related to requester. OAH’s decision was affirmed in part, as the majority of the emails were protected as inter-agency documents. OAH’s decision was remanded in part because some withheld emails were not protected in their entirety by the personal privacy exemption since personally identifiable information could be redacted.

**2016-107 Mulhauser** – Request for report mandated by statute. MPD’s decision was affirmed because MPD had not created the report (despite the statute) and could not be compelled to disclose what it did not possess.

**2016-108 Benowitz** – Request for detective interview from 1997. MPD’s decision was affirmed because release of the investigatory records would invade the privacy interest of the interviewee.

**2016-109 Hughes** – Request for emails of law enforcement officers. MPD’s decision was affirmed, as MPD conducted an adequate search that yielded no responsive records.

**2016-110 Williams** – Request for court documents related to a 1982 incarceration. MPD’s decision was affirmed, as MPD conducted an adequate search that yielded no responsive records.

**2016-111 Eckenwiler** – Request for zoning records pertaining to a specific address. The appeal was dismissed as moot because DCRA provided the requested documents after the appeal was filed.

Disclaimer: These synopses are intended to summarize D.C. FOIA appeal decisions. The decisions may be viewed in their entirety in the D.C. Register and through the District’s FOIA website: <http://dc.gov/page/freedom-information-act-foia>