

**Government of the District of Columbia**  
Office of the Secretary of the District of Columbia



**Stephanie D. Scott, Ph.D**  
Secretary of the District of Columbia

January 30, 2009

The Honorable Vincent Gray  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, DC 20004

The Honorable Mary Cheh  
Chairperson, Committee on Government Operations and the Environment  
John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, DC 20004

Re: FY 2008 District of Columbia Freedom of Information Act Report

Dear Chairman Gray and Chairperson Cheh:

In accordance with the District of Columbia Freedom of Information Act<sup>1</sup> (D.C. FOIA), enclosed is the annual report of the FOIA disclosure activities of each “public body” (agency) of the DC government for the most recent fiscal year.

This report covers the period of October 1, 2007 to September 30, 2008 and contains data responsive to the annual reporting required by the FOIA to the extent available. Please note that each annual report is completed to extent possible but it has been difficult for some public bodies to locate complete records from the prior administration. To the extent that a public body does not report to the Mayor, information pertaining to that body may not be reflected in this report.

This report includes the following:

1. The number of FOIA requests received and the number of requests completed<sup>2</sup>;
2. The number of requests for records that had not yet been completed by September 30, 2008;
3. The average<sup>3</sup> number of days that unfilled requests have been pending before each public body as of September 30, 2008 (i.e. of the incomplete requests, how long had they been waiting for a response, on average);

---

<sup>1</sup> Section 208 of the District of Columbia Freedom of Information Act of 1976, D.C. Official Code § 2-538 (2001), as amended by D.C. Law 13-283, the “Freedom of Information Amendment Act of 2000,” effective April 27, 2001

<sup>2</sup> “Completed” means that the requested information was delivered or that the request was denied in writing.

<sup>3</sup> DC FOIA requires the “median” number of days, but we report the “mean” as we believe it is a more useful statistic here.

4. The number of determinations made by each agency not to comply with requests for records and the reasons for each determination;
5. The number of requests completed within fifteen (15) days;
6. The number of requests completed between sixteen (16) to twenty-five (25) days;
7. The number of requests completed in twenty-six (26) days or more;
8. The average<sup>3</sup> number of days taken by each agency to complete requests;
9. The total amount of fees collected by each agency for processing requests;
10. The number of hours that staff devoted to processing requests for records, and the total cost expended by each public body for processing such requests; and
11. The number of employees found guilty of a misdemeanor for arbitrarily and capriciously violating any provision of the D.C. FOIA;

The enclosed report also includes details concerning the number of appeals received pursuant to section 207 of the Act (D.C. Official Code § 2-537 (a)), the results of the appeals, and the reason(s) for the action upon each appeal that resulted in a denial of information.

If you have any questions regarding this report, please contact Thorn Pozen, Special Council, Office of the Attorney General at [thorn.pozen@dc.gov](mailto:thorn.pozen@dc.gov) or Erica Easter, Chief of Staff, Office of the Secretary, at [erica.easter@dc.gov](mailto:erica.easter@dc.gov).

Sincerely,



Stephanie D. Scott, Ph.D.

Enclosures

cc: The Honorable Yvette Alexander  
The Honorable Marion Barry  
The Honorable Muriel Bowser  
The Honorable Kwame Brown  
The Honorable Michael Brown  
The Honorable David Catania  
The Honorable Jack Evans  
The Honorable Jim Graham  
The Honorable Phil Mendelson  
The Honorable Harry Thomas Jr.  
The Honorable Tommy Wells  
Carrie Kohns, Chief of Staff, Executive Office of the Mayor  
Chip Richardson, General Counsel, Executive Office of the Mayor  
Thorn Pozen, Special Counsel, Office of the Attorney General

**DISTRICT OF COLUMBIA  
ANNUAL FREEDOM OF INFORMATION ACT REPORT FOR FISCAL YEAR 2008  
October 1, 2007 through September 30, 2008**

**PROCESSING OF FOIA REQUESTS**

Number of FOIA requests received during reporting period .....	5,989
Number of FOIA requests pending on October 1, 2007.....	457
Number of FOIA requests pending on September 30, 2008.....	394
The average number of days unfilled requests have been pending before each public body as of September 30, 2008 .....	8

**DISPOSITION OF FOIA REQUESTS**

Number of requests granted, in whole.....	3,977
Number of requests granted, in part, denied, in part.....	519
Number of requests denied, in whole.....	671
Number of requests withdrawn.....	98
Number of requests referred or forwarded to other public bodies <sup>1</sup> .....	199
Other disposition .....	220

**NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION**

1. Exemption 1 - D.C. Official Code § 2-534(a)(1).....	84
2. Exemption 2 - D.C. Official Code § 2-534(a)(2).....	1124
3. Exemption 3 - D.C. Official Code § 2-534(a)(3).....	287
a. Subcategory (A).....	167
b. Subcategory (B).....	164
c. Subcategory (C) .....	329
d. Subcategory (D) .....	4
e. Subcategory (E) .....	32
f. Subcategory (F) .....	2
4. Exemption 4 - D.C. Official Code § 2-534(a)(4) .....	100
5. Exemption 5 - D.C. Official Code § 2-534(a)(5).....	2
6. Exemption 6 - D.C. Official Code § 2-534(a)(6).....	95

<sup>1</sup> This number only reflects the number of requests referred or forwarded to another public body as the only and final disposition of that request. The requests that are processed within the public body and resulted in a grant, denial or partial grant/denial as well as a referral are not included in this number.

a. Subcategory (A).....	27
b. Subcategory (B).....	19
7. Exemption 7 - D.C. Official Code § 2-534(a)(7).....	1
8. Exemption 8 - D.C. Official Code § 2-534(a)(8).....	1
9. Exemption 9 - D.C. Official Code § 2-534(a)(9).....	0
10. Exemption 10 - D.C. Official Code § 2-534(a)(10).....	0
11. Exemption 11 - D.C. Official Code § 2-534(a)(11).....	1
12. Exemption 12 - D.C. Official Code § 2-534(a)(12).....	2

**TIME-FRAMES FOR PROCESSING FOIA REQUESTS**

Number of FOIA requests processed within 15 days.....	4139
Number of FOIA requests processed between 16 and 25 days.....	624
Number of FOIA requests processed in 26 days or more.....	810
Average (mean) number of days to process FOIA Requests <sup>2</sup> .....	14

**RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS**

Number of Hours Staff Devoted to Processing FOIA Requests.....	16,550
Total dollar amount expended by public body for processing FOIA requests.....	\$344,394

**FEES FOR PROCESSING FOIA REQUESTS**

Total amount of fees collected by public body.....	\$48,139
--	----------

**PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA**

Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act .....	0
--	---

**QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT**

Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, “[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act].”

Please see individual agency responses.

<sup>2</sup> The Freedom of Information Amendment Act of 2000 requests the median number of days to process FOIA requests. We have provided the average number of days instead of the median number of days as it more reasonably reflects response to FOIA requests.

<b>Agency</b>	<b>Acronym</b>	<b>FOIA Officer</b>	<b>Title</b>	<b>Phone</b>
Alcoholic Beverage Regulation Administration	ABRA	William Hager	Records and Data Management Supervisor	(202) 442-4425
Attorney General	OAG	Thorn Pozen	Special Counsel, OAG FOIA Officer	(202) 727-0872
Board of Elections and Ethics	BOEE	Terri D. Stroud	Senior Staff Attorney	(202) 727-2194
Cable Television	OCT	Niquelle M. Allen	Assistant Attorney General	(202) 671-0075
Chief Financial Officer	OCFO	David Tseng	General Counsel	(202) 727-9528
Chief Technology Officer	OCTO	Christina Fleps	General Counsel, OCTO	(202) 727-0619
Child and Family Services	CFSA	Dianne E. Hall-Simpson	FOIA Officer	(202) 442-6147
City Administrator	OCA	Tonya Poindexter	Administrative Officer	(202) 286-8509
Commission on Arts and Humanities	CAH	Lionell Thomas	Deputy Director	(202) 724-5613
Commission on Judicial Disabilities and Tenure	CJDT	Cathae Hudgins	Executive Director	(202) 727-1363
Consumer and Regulatory Affairs	DCRA	Cecelia Tilghman	Freedom of Information Officer	(202) 478-9286
Contracting and Procurement	OCP	Nancy Hapeman	General Counsel	(202) 724-4391
Convention Center	DCC	Reginald L. Smith	Deputy General Counsel	(202) 249-3224
Corrections	DOC	Oluwasegun Obebe	Records, Information & Privacy Officer	(202) 671-2055
DC Auditor	ODCA	Lawrence I. Perry	Deputy, Office of the DC Auditor	(202) 727-8987
Department of Disability Services	DDS	Mark D. Back	DDS Acting General Counsel	(202) 730-1592
Department of Public Works	DPW	Emma Clark	FOIA Officer	(202) 673-6959
Department of the Environment	DDOE	Ibrahim Bullo	Environmental Review Coordinator	(202) 535-2506
Deputy Mayor for Planning and Economic Development	DMPED	Sean Madigan	Communications Director	(202) 615-2029
Employee Appeals	OEA	Sheila G. Barfield	General Counsel	(202) 727-0004
Employment Services	DOES	Eugene E. Irvin	FOIA Officer, DOES	(202) 671-1195
Executive Office of the Mayor	EOM	Erica Easter	Chief of Staff	(202) 727-6306
Fire and Emergency Medical Services	FEMS	Tisa B. Smith	Information and Privacy Officer	(202) 673-3297
Health	DOH	K. Campbell	General Counsel	(202) 442-5977
Homeland Security Emergency Management	HSEMA	Jo'Ellen Gray Countee	Public Information Officer	(202) 727-2985
Housing and Community Development	DHCD	Najuma Thorpe	Public Affairs Specialist	(202) 442-7253
Human Resources	DCHR	Diana Haines-Walton	Deputy Director	(202) 442-9727
Human Rights	OHR	Jewell T. Little	Agency Counsel	(202) 727-6910
Human Services	DHS	Robert C. Warren Jr.	Assistant Attorney General	(202) 671-4452
Inspector General	OIG	Keith Van Croft	Program Specialist	(202) 727-2540
Insurance Securities and Banking	DISB	Mary E. Lofton-Manning	FOIA Officer/Staff Assistant	(202) 442-7781
Labor Relations and Collective Bargaining	LRCB	Darnita Akers	Attorney Advisor	(202) 724-8711
Mental Health	DMH	Deon C. Merene		(202) 645-5462
Metropolitan Police Department	MPD	Traci L. Hughes, Esq.	Freedom of Information Act Officer	(202) 727-9346
Motor Vehicles	DMV	Glenn Dubin	Assistant Attorney General	(202) 671-3492
Office of Administrative Hearings	OAH	Beverly D. Rivers, Esq.	General Counsel	(202) 724-5477
Office of the Chief Medical Examiner	OCME			
Office of Zoning	OZ	Richard S. Nero, Jr.	Deputy Director of Operations	(202) 727-6311
Office on Aging	OA	Sam A Gawad	Chief Operating Officer	(202) 727-8372
Office of Police Complaints	OPC	Nykisha Cleveland	Public Affairs Specialist	(202) 727-8327

<b>Agency</b>	<b>Acronym</b>	<b>FOIA Officer</b>	<b>Title</b>	<b>Phone</b>
Parks and Recreation	DPR	Jamarj Johnson	Attorney Advisor	(202) 673-7664
Planning	OP	Michael Johnson	Visual Information Spec.	(202) 442-7622
Property Management	OPM	Camille Sabbakhan		(202) 724-4170
Public Library	DCPL	Grace Perry-Gaiter	General Counsel	(202) 727-1134
Public Schools	DCPS	Nicole Streeter	Deputy General Counsel	(202) 442-5192
Public Service Commission	PSC	Kenneth S. Hughes	Staff Attorney	(202) 626-5157
Public Works	DPW	Emma Clark	FOIA Officer	(202) 673-6959
Risk Management	ORM	Carol Mary Fleming	Claims Specialist/FOIA Officer	(202) 727-6563
Sentencing and Criminal Code Revision Commission	SCCRC	Stephen Vance	Attorney Advisor	(202) 727-7934
Small Local Business Development	DSLBD	Sara Gebhardt	Public Information Officer	(202) 727-0019
Sports and Entertainment Commission	SEC	Shai Littlejohn	General Counsel	(202) 608-1135
State Superintendent of Education	OSSE	Kristin Yochum	Deputy Chief of Staff	(202) 724-2154
Transportation	DDOT	Diana Jordan	FOIA Officer	(202) 671-3235
University of the District of Columbia	UDC	Terri Carmichael Jackson	Counsel for Athletics	(202) 274-5318
Water and Sewer Authority	WASA	Katherine Cahill	Principal Counsel	(202) 787-2623
Youth Rehabilitation Services	DYRS	Deborah Ohiomoba	Assistant General Counsel (DYRS)	(202) 576-8426

## Request Processing and Disposition

<u>Agency</u>	<u># Requests</u>	<u># pending 10/1/07</u>	<u># pending 9/30/08</u>	<u>Avg # days pending as of 9/30/08</u>	<u># granted</u>	<u># granted in part/denied in part</u>	<u># denied</u>	<u># withdrawn</u>	<u># referred</u>	<u># other disposition</u>
OAG	67	3	6	15	14	9	6	2	0	30
ABRA	93	0	0	0	90	0	1	2	0	0
BOEE	6	0	0	0	3	0	2	1	0	0
OCT	3	0	0	0	1	0	2	0	2	0
OCFO	370	2	1	10	268	27	36	15	9	15
OCTO	13	0	0	13	8	0	0	1	4	0
CFSA	23	3	1	25	15	4	1	1	2	0
OCA	4	0	0	0	4	0	0	0	0	0
CAH	0	0	0	0	0	0	0	0	0	0
CJDT	0	0	0	0	0	0	0	0	0	0
DCRA	718	243	169	32	464	27	23	13	16	2
OCP	242	15	12	0	226	0	2	10	3	16
DCC	6	0	1	0	6	0	0	0	0	0
DOC	133	1	1	10	76	6	3	4	10	34
ODCA	2	0	0	17	2	0	0	0	1	0
DDS	4	0	0	0	0	3	1	0	0	0
DPW	11	0	0	0	7	2	0	1	1	0
DDOE	364	14	17	6	361	0	2	1	2	0
DMPED	14	0	0	0	3	11	0	0	0	0
OEA	1	0	0	0	1	0	0	0	0	0
DOES	22	1	1	1	11	6	1	0	0	4
EOM	52	0	3	13	8	17	9	6	6	4
FEMS	1388	12	9	17	1315	14	3	5	55	2
DOH	228	5	10	22	203	2	1	1	25	0
HSEMA	4	0	0	0	1	0	1	0	1	1
DHCD	83	0	4	13	57	3	11	8	3	1
DCHR	40	0	0	9	16	8	4	0	9	3
OHR	59	0	2	4	49	2	5	0	3	0
DHS	23	0	0	0	13	0	4	0	6	0
OIG	73	2	1	5	6	51	13	3	0	0
DISB	134	39	73	50	77	0	1	6	7	13
LRCB	3	1	0	3.3	2	1	0	0	0	1
DMH	30	1	1	30	25	3	1	0	1	0
MPD	962	28	35	2.5	231	13	497	6	3	74
DMV	35	3	1	4	23	6	4	0	2	0
OAH	36	0	1	3	32	0	1	1	0	2
OCME	30	0	0	0	11	6	13	0	1	0
OZ	3	0	0	0	3	0	0	0	1	0
OA	1	0	0	0	1	0	0	0	0	0
DPR	12	0	0	0	9	2	0	0	2	0
OP	18	0	0	0	9	2	0	1	6	0
OPM	20	0	1	0	17	2	0	0	0	0

## Request Processing and Disposition

<u>Agency</u>	<u># Requests</u>	<u># pending 10/1/07</u>	<u># pending 9/30/08</u>	<u>Avg # days pending as of 9/30/08</u>	<u># granted</u>	<u># granted in part/denied in part</u>	<u># denied</u>	<u># withdrawn</u>	<u># referred</u>	<u># other disposition</u>
OPC	322	11	14	13	41	250	8	1	5	17
DCPL	5	1	0	8	3	2	0	0	0	0
DCPS	138	63	18	25	134	1	5	1	4	0
PSC	5	0	0	0	0	5	0	0	0	0
DPW	11	0	0	0	7	2	0	1	1	0
ORM	4	0	1	12	0	1	0	2	0	1
SCCRC	0	0	0	0	0	0	0	0	0	0
DSLBD	8	1	0	14	7	0	1	0	0	0
SEC	5	0	0	10	5	5	0	0	0	0
OSSE	16	0	1	19.53	7	7	0	0	1	0
DDOT	51	0	5	10	42	3	3	0	3	0
UDC	5	0	0	0	3	0	1	1	0	0
WASA	83	8	5	15	60	11	4	4	4	0
DYRS	6	0	0	0	0	5	1	0	0	0
<b><u>TOTAL</u></b>	<b><u>5989</u></b>	<b><u>457</u></b>	<b><u>394</u></b>	<b><u>8</u></b>	<b><u>3977</u></b>	<b><u>519</u></b>	<b><u>671</u></b>	<b><u>98</u></b>	<b><u>199</u></b>	<b><u>220</u></b>





NUMBER OF TIMES EACH EXEMPTION INVOKED																				
Acronym	<u>1</u>	<u>2</u>	<u>3</u>	<u>3A</u>	<u>3B</u>	<u>3C</u>	<u>3D</u>	<u>3E</u>	<u>3F</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>6A</u>	<u>6B</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
OA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DPR	0	2	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0
OP	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
OPM	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
OPC	0	246	528	150	162	258	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DCPL	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DCPS	0	0	0	0	0	7	0	0	0	3	0	3	0	0	0	0	0	0	0	0
PSC	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DPW	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SCCRC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DSLBD	7	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSSE	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0
DDOT	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UDC	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WASA	0	1	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
DRYS	0	3	0	0	0	0	0	0	0	0	0	5	5	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>84</b>	<b>1124</b>	<b>557</b>	<b>167</b>	<b>164</b>	<b>329</b>	<b>4</b>	<b>32</b>	<b>2</b>	<b>100</b>	<b>2</b>	<b>95</b>	<b>27</b>	<b>19</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>

**TIMEFRAMES AND RESOURCES ALLOCATED**

<b>Acronym</b>	<b># processed in 15 days</b>	<b># processed 16-25 days</b>	<b># processed 26+ days</b>	<b>Avg. # days to process</b>	<b># staff hours devoted</b>	<b>\$ expended</b>	<b>\$ fees collected</b>	<b># employees found guilty of violation</b>
OAG	87	1	2	2	85	\$0	\$445	0
ABRA	44	16	1	14.91	400	\$21,000	0	0
BOEE	5	1	0	7	26	\$0	\$0	0
OCT	3	0	0	6	3.5	\$150	\$0	0
OCFO	286	52	32	159	0	\$2,708	\$0	0
OCTO	12	1	0	0	150	7500	0	0
CFSA	12	4	5	32	250	\$6,500	\$0	0
OCA	1	0	3	0	15	0	0	0
CAH	0	0	0	0	0	\$0	\$0	0
CJDT	0	0	0	0	0	\$0	\$0	0
DCRA	100	114	331	32	1123	\$373	\$14,032	0
OCP	62	45	150	30	0	\$0	\$2,521	0
DCC	4	2	0	14.8	23	\$4,000	\$30	0
DOC	132	1	0	0	2400	97440	892.2	0
ODCA	1	1	0	16	4	\$0	\$0	0
DDS	1	2	1	21	0	\$0	\$46	0
DPW	11	0	0	8	11.5	\$322	\$197	0
DDOE	348	10	6	6	2,028	\$78,577	\$3,487	0
DMPED	2	4	8	27	0	0	0	0
OEA	1	0	0	15	8	\$5,000	\$0	0
DOES	18	4	0	10.23	118	\$33,188	\$1,958	0
EOM	29	7	1	10	103	\$0	\$0	0
FEMS	1153	109	64	9	970	\$1,619	\$603	0
DOH	157	20	22	15	230	1,610.00	1,346.00	0
HSEMA	3	0	0	6	4	\$346	\$0	0
DHCD	62	17	2	13	389	\$16,937	\$1,237	0
DCHR	28	5	3	0	105	\$6,000	0	0
OHR	41	17	1	19 2/3	91	\$637	\$1,194	0
DHS	16	2	5	0	381	3818	1434	0
OIG	35	19	19	16.7	800	\$5,180	\$0	0
DISB	40	11	26	31	88.6	\$4,700	\$6,538	0
LRCB	3	0	1	3.3	43	\$0	\$281	0
DMH	19	7	3	22	0	\$734	\$660	0
MPD	884	54	24	2.5	296	\$1,921	\$4,027	0
DMV	33	2	0	8.5	74	\$1,635	\$68	0
OAH	26	9	1	13	84	\$2,352	\$242	0
OCME	30	0	0	2	30	\$500	\$0	0
OZ	3	0	0	1	6	\$341	\$0	0
OA	0	0	0	0	0	\$0	\$0	0
DPR	7	5	0	16	0	\$25	\$5	0
OP	12	1	2	5	70	\$490	\$0	0

**TIMEFRAMES AND RESOURCES ALLOCATED**

<b>Acronym</b>	<b># processed in 15 days</b>	<b># processed 16-25 days</b>	<b># processed 26+ days</b>	<b>Avg. # days to process</b>	<b># staff hours devoted</b>	<b>\$ expended</b>	<b>\$ fees collected</b>	<b># employees found guilty of violation</b>
OPM	14	4	1	15	70	\$50	\$150	0
OPC	292	25	5	11	386	\$12,288	\$0	0
DCPL	4	0	1	12	61	\$698	\$266	0
DCPS	14	12	48	25	4250	\$0	\$71	0
PSC	4	0	1	14.2	74	\$3,700	0	0
DPW	11	0	0	8	11.5	\$322.00	196.75	0
ORM	3	1	0	12.75	4	\$141	\$0	0
SCCRC	0	0	0	0	0	\$0	\$0	0
DSLBD	4	3	1	14	170	0	\$377	0
SEC	4	1	0	7	40	0	0	0
OSSE	7	1	6	19.53	0	\$0	\$0	0
DDOT	36	11	1	0	100	\$0	\$292	0
UDC	3	2	0	19	5.1	\$84	0	0
WASA	32	20	31	25	938	20,832.79	4,878.84	0
DYRS	0	1	5	30	31	675	666	0
<b>TOTALS</b>	<b>4139</b>	<b>624</b>	<b>813</b>	<b>14</b>	<b>16550.2</b>	<b>\$344,394</b>	<b>\$48,139</b>	<b>0</b>

## FY 2008 FOIA Appeal Report

Number of decisions on appeal from FY 2007 that were decided in FY 2008: 1

Number of received appeals in FY 2008: 64

Number of decisions on appeals received in FY 2008 and decided in FY 2008: 62

Number of undecided appeals as of Sept. 30, 2008: 1

\*Please note, one (1) appeal was withdrawn by the appellant, so no decision was necessary

FY 2008 FOIA APPEALS

<b>FOIA Appeal Number</b>	<b>Date Received*</b>	<b>Date of Decision</b>	<b>Date Sent to Agency</b>	<b>Date Returned from Agency</b>	<b>Subject (agency or department)</b>	<b>Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)</b>	<b>Etc.</b>
MLC 2008-1 IQ 523678	10/4/07	10/11/07	10/4/07	10/9/07	Appeal ORM denial of fee waiver ( <b>ORM</b> )	Dismissed as moot because ORM agreed to charge only duplicating fees	
MLC 2008-2 IQ 523961	10/9/07	2/7/08	10/9/07	Due 10/16	Appealing denial of committee meeting minutes ( <b>DMH, Deon Merene</b> )	Agency decision affirmed	
MLC 2008-3 IQ 524377	10/12/07	11/8/07	10/12/07	Due 10/19	Appealing MPD denial of Internal Affairs files ( <b>MPD, Ronald Harris</b> )	Dismissed as moot (MPD produced documents)	
MLC 2008-4 IQ 524594	10/15/07	11/9/07; 1/11/08	10/15/07	Due 10/22	Appeal DOC denial of 2 FOIA requests re possible misconduct (Segun Obebe)	Remanded to DOC to provide redacted reports	Agency appealed; decided again on 1-11-08
MLC 2008-5 IQ 526416	10/30/07	1/11/08	10/30/07	Due 11/6	Appeal of DCPS denial re payroll records ( <b>Karen Herbert</b> )	Dismissed as moot because DOC produced information requested	
MLC 2008-6 IQ 527816	11/16/07	12/11/07	11/16/07	11/30/07	Appeal of OCP denial re evaluation of contract ( <b>Nancy Hapeman</b> )	Denied because docs. Are privileged	
MLC 2008-7 IQ 528418	11/21/07	12/5/07	11/21/07	Due 11/29	Appeal of MPD denial of applicant records for certain position ( <b>MPD</b> )	Dismissed because MPD responded	Mr. Holland wishes to open new appeal by letter rec'd 12/10/07; dismissed on 1/22/08 because personal privacy issues outweigh public interest
MLC 2008-8 IQ 528521	11/26/07	12/20/07	11/26/07	12/11/07	Appeal of MPD denial of investigation records ( <b>MPD</b> )	Dismissed because MPD responded	
MLC 2008-9 IQ 529184	12/3/07; 3/18/08	12/21/07; 2/1/08	12/4/07	12/7/07 (DSLBD responded)	Appeal of DMPED incomplete response re Brookland Main Street ( <b>DMPED</b> )	Denied in part; remanded in part; agency must produce redacted version of disputed document	Agency sent redacted document on 2/6/08; BH appealed on 3/19/08.
MLC 2008 -10 IQ 529371	12/5/07	12/10/07	12/5/07	12/7/07	Appeal of denial of records re OTR ( <b>OCFO</b> )	Denied; not in OCFO possession and investigatory records.	

FY 2008 FOIA APPEALS

FOIA Appeal Number	Date Received*	Date of Decision	Date Sent to Agency	Date Returned from Agency	Subject (agency or department)	Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)	Etc.
MLC 2008-11 IQ 529632	12/14/07	1/22/08.. <a href="#">ATRIII FILES\FIA\Mintz, Morton (MPD)\to mintz 1-22-08.pdf</a>	12/14/07	1/18/08	Appeal of MPD response ( <b>MPD</b> )	Dismissed because agency partial denial was proper	
MLC 2008-12 IQ 531606	1/10/08	3/6/08	1/11/08		Appealing lack of response ( <b>DCRA—Selena Robinson</b> )	Originally remanded for nonresponse but agency did respond (forgot to copy GC); Dismissed because agency responded	
MLC 2008-13 IQ 531894	1/14/08	3/6/08; 3/14/08	1/14/08		Appealing lack of response ( <b>OA—Cheryl Simmons</b> )	Vacated and remanded for agency non-response; ultimately relayed to proper agency (DCDHS)	
MLC 2008-14 IQ 532230	1/18/08	9/8/08	1/18/08	1/29/08	Appealing denial of Health Administrator of DOC ( <b>DOC-Obebe Segun</b> )	Agency decision vacated and remanded for agency to provide documents.	
MLC 2008-15 IQ 534988	2/6/08	3/7/08	2/8/08	2/25/08	Appealing denial of records from Housing Authority ( <b>DCHA Nicole Mason</b> )	Dismissed because agency responded; requester appealed response; remanded in part and dismissed in part	
MLC 2008-16 IQ 535252	2/8/08	3/10/08	2/8/08	2/15/08	Appealing lack of complete response to request for school documents ( <b>OCTO-Fleps; DME-RKatz; DCPS-Sandman</b> )	Dismissed—agency denial upheld.	
MLC 2008-17 IQ 535372	2/11/08	3/26/08	2/11/08	2/19/08	Appealing lack of clarity and lack of partial response for school spending ( <b>OPEFM, Scott Burrell</b> )	Dismissed because agency responded properly	
MLC 2008-18 IQ 535756	2/15/08	3/27/08	2/15/08	3-14-08	Appealing denial of request ( <b>MPD, Traci Hughes</b> )	Dismissed—agency denial upheld	

FY 2008 FOIA APPEALS

<b>FOIA Appeal Number</b>	<b>Date Received*</b>	<b>Date of Decision</b>	<b>Date Sent to Agency</b>	<b>Date Returned from Agency</b>	<b>Subject (agency or department)</b>	<b>Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)</b>	<b>Etc.</b>
MLC 2008-19 IQ 536341	2/25/08	3/6/08 and 3/21/08	2/25/08	3/3/08	Appealing denial of request ( <b>MPD, Traci Hughes</b> )	Dismissed because agency responded properly	Marzulla claimed to have document requested received from other agency but MPD has no record of it; dismissal confirmed on 3/21/08
MLC 2008-20 IQ 537077	3/4/08	3/26/08	3/4/08	3/11/08	Appealing denial of school records of son ( <b>DCPS, Karen Jones-Herbert</b> )	Vacated and remanded; agency shall respond within 10 days	Agency sent follow up letter on 4/7/08
MLC 2008-21 IQ 537079	3/4/08	3/27/08	3/4/08	3/11/08	Appealing denial of personnel records ( <b>MPD, Ronald Harris</b> )	Dismissed—agency denial upheld	
MLC2008-22 IQ 537125	3/4/08	4/7/08	3/4/08		Appealing denial of crash investigations ( <b>MPD, Ronald Harris</b> )	Affirmed agency decision; dismissed	
MLC 2008-23 IQ 537302	3/6/08	5/5/08	3/6/08	3/13/08	Appealing non-response of agency ( <b>DMPED, Erica Easter</b> )	Agency search and production upheld; appeal dismissed.	
MLC 2008-24 IQ 538150	3/18/08	4/17/08	3/18/08	3/25/08	Appealing denial by agency ( <b>MPD, Ronald Harris</b> )	Dismissed because agency responded	
MLC 2008-25 IQ 542015	3/18/08	4/14/08 (actually sent on 4/15/08) '5/1/08	Agency rec'd directly from OS	3/18/08	Appealing denial by agency ( <b>OCFO, Laverne Lee</b> )	Affirmed in part; remanded in part re redaction question. Agency denial upheld after in camera review on 5/1/08.	Re Accenture LLP; agency to respond in 10 days from 4/14/08
MLC 2008-26 IQ 538148	3/18/08	4/15/08	3/19/08	Due 3/26/08; agency responded 4/2/08	Appealing denial by agency ( <b>OCFO, Laverne Lee</b> )	Denied—upheld agency decision.	Re Payroll Records. Requested records sent but home state omitted.
MLC 2008-27 IQ 538368	3/20/08	5/2/08	3/19/08	Due 3/28/08	Appealing denial by agency ( <b>DCRA, Selena Robinson</b> )	Vacated and remanded to agency for response within 10 days.	Agency responded again on 5/27/08
MLC 2008-28 IQ 538754	3/24/08	4/21/08	3/24/08		Appealing non-response of agency ( <b>MPD, Ronald Harris</b> )	Moot and dismissed because agency responded	



FY 2008 FOIA APPEALS

<b>FOIA Appeal Number</b>	<b>Date Received*</b>	<b>Date of Decision</b>	<b>Date Sent to Agency</b>	<b>Date Returned from Agency</b>	<b>Subject (agency or department)</b>	<b>Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)</b>	<b>Etc.</b>
MLC 2008-29 IQ 539341	3/27/08	5/1/08	3/27/08	Due 4/3/08; extended to 4/14/08	Appealing denial of agency ( <b>DCRA, Selena Robinson</b> )	Agency denial upheld; appeal dismissed.	
MLC 2008-30 IQ 539343	3/27/08	4/7/08	3/27/08		Appealing denial of agency ( <b>MPD, Ronald Harris</b> )	Affirmed agency decision; dismissed.	
MLC 2008-31 IQ 539634	3/31/08	7/9/08	3/31/08	Due 4/7/08; extended to 4/11/08	Appealing non-waiver of copying fees ( <b>OAG, Thorn Pozen</b> )	Matter closed due to filing of Formal Complaint: Prison Legal News v. DC (6/25/08)	
MLC 2008-32 IQ 539993	4/1/08	4/30/08	4/1/08	4/8/08	Appealing denial of agency ( <b>MPD, Ronald Harris</b> )	Agency denial upheld; appeal dismissed.	Extended OGC deadline to 5/5/08; PDS files 08-379, -380 and -381
MLC 2008-33 IQ 540329	4/3/08	4/21/08	4/4/08		Appealing response and alleging no search conducted ( <b>CFSA, Dianne Hall-Simpson</b> )	Stayed and remanded to agency for protocol clarification	Agency to respond by 5/3/08; Hodes wrote CFSA with expanded request on 5/20/08
MLC 2008-34 IQ 540645	4/7/08	5/5/08	4/7/08	4/10/08	Appealing denial of agency ( <b>OCME, Sharlene Williams</b> )	Agency denial upheld; appeal dismissed.	Extended OGC deadline to 5/5/08
MLC 2008-35 IQ 540975	4/8/08	5/2/08	4/8/08	4/15/08	Appealing de facto denial of agency ( <b>DCPS, Karen Herbert</b> )	Vacated and remanded for response within 10 days.	Extended OGC deadline to 5/5/08
MLC 2008-36 IQ 382547	4/9/08	5/2/08	4/9/08	4/15/08	Appealing lack of response of agency ( <b>DOC, Segun Obebe</b> )	Appeal is moot because agency responded; dismissed.	Extended OGC deadline to 5/5/08
MLC 2008-37 IQ 542338	4/21/08	4/30/08	4/21/08	4/28/08	Appealing denial of agency ( <b>MPD, Ronald Harris</b> )	Agency denial upheld; appeal dismissed.	PDS File 08-461
MLC 2008-38 1IQ 542994	4/22/08	5/1/08	4/22/08	4/28/08	Appealing denial of agency ( <b>MPD, Ronald Harris</b> )	Agency denial upheld; appeal dismissed.	PDS File 08-464
MLC 2008-39 IQ 543604	4/25/08	5/1/08	4/25/08	4/29/08	Appealing denial of agency	Agency denial upheld; appeal dismissed.	PDS File 08-485
MLC 2008-40 IQ543676	4/25/08	4/30/08	4/25/08	4/29/08	Appealing denial of agency	Agency denial upheld; appeal dismissed.	PDS File 08-486
MLC 2008-41 IQ 543716	4/25/08	5/1/08	4/25/08	5/2/08	Appealing partial denial of agency ( <b>MPD, Ron Harris</b> )	Agency denial upheld; appeal dismissed.	

FY 2008 FOIA APPEALS

<b>FOIA Appeal Number</b>	<b>Date Received*</b>	<b>Date of Decision</b>	<b>Date Sent to Agency</b>	<b>Date Returned from Agency</b>	<b>Subject (agency or department)</b>	<b>Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)</b>	<b>Etc.</b>
MLC 2008-42 IQ544989	5/6/08		5/6/08	5/7/08	Appealing response of agency ( <b>DSLBD</b> )		Mr. Padou asked for opportunity to respond to DSLBD before final appeal decision is issued.
MLC 2008-43 IQ 544993	5/7/08	5/16/08	5/8/08	5/12/08	Appealing response of agency ( <b>MPD, Ron Harris</b> )	Dismissed as moot because agency responded	
MLC 2008-44 IQ 545296	5/9/08	Not required	5/9/08	5/23/08	Appealing lack of response ( <b>DCPS, Karen Herbert</b> )	Agency responded; appellant was satisfied and withdrew appeal	Agency (Nicole Streeter) will respond within ten days
MLC 2008-45 IQ 545474	5/13/08	6/17/08	5/13/08	5/16/08	Appealing agency response ( <b>EOM, Erica Easter</b> )	Agency denial upheld; Appeal dismissed.	
MLC 2008-46 IQ 545677	5/15/08	9/8/08	5/15/08	5/21/08	Appealing agency denial (MPD, Ron Harris)	Agency denial upheld in part and remanded for agency to provide Vaughn index.	
MLC 2008-47 IQ 546281	5/21/08	7/16/08	5/21/08	5/29/08	Appealing agency denial (DCHR, Stephanie Ferguson)	Agency Denial Upheld; Appeal dismissed.	
MLC 2008-48 IQ 546226	5/21/08	9/22/08	5/21/08	5/29/08	Appealing agency denial (MPD, Ronald Harris)	Agency Denial Upheld; Appeal dismissed.	
MLC 2008-49 IQ 546167	5/20/08	9/08/08	5/20/08	5/21/08	Appealing agency denial (OAG, Thorn Pozen)	Agency Denial Upheld; Appeal dismissed.	
MLC 2008-50	6/10/08	6/16/08	6/10/08	6/16/08	Appealing agency denial (IG, Keith Van Croft)	Agency provided more information to Appellant	
MLC 2008-51	6/16/08	9/22/08	6/16/08		FOIA appeal due to lack of response from agency (DOH, Thomas Collier)	Vacated and Remanded for DOH to provide response	Agency requested extension of time to respond.
MLC 2008-52	6/16/08	9/19/08	6/16/08		Appealing agency denial (DOC, Segun Obebe)	Agency denial upheld; appeal dismissed.	

FY 2008 FOIA APPEALS

FOIA Appeal Number	Date Received*	Date of Decision	Date Sent to Agency	Date Returned from Agency	Subject (agency or department)	Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)	Etc.
MLC 2008-53	6/24/08	9/19/08	6/26/08	7/09/08	Appealing agency response (DDOT, Diana Jordan)	Requestor filed in DC Superior Court; Appeal dismissed	
ML 2008-54	6/30/08	8/1/08	7/01/08	7/09/08	Appealing agency response (DOC, Segun Obebe)	Dismissed as being not ripe	
MLC 2008-55	6/30/08	9/22/08	7/01/08	7/09/08	Appealing agency denial (MPD, Ronald Harris)	Agency denial upheld; appeal dismissed	
MLC 2008 56	7/09/08	8/5/08	7/10/08	7/14/08	Appealing agency response (Nancy Hapeman/OCP)	Dismissed as moot due to agency disclosure of documents	
MLC 2008 57	7/09/08	10/10/08	7/10/08	7/22/08	Appealing agency denial (Segun Obebe/DOC)	Remanded for in camera inspection of records	12/3/08 Agency ordered to turn over files.
MLC 2008 58	08/13/08	9/18/08	08/13/08	08/21/08	Appealing agency denial (Segun Obebe/DOC)	Decision stayed pending resolution in DC Superior Court.	
MLC 2008 59	8/13/08	10/16/08 11/10/08	8/13/08 Resent 10/1/08	Due 8/21/08 Due 10/8/08	Appealing agency denial (Selina Robinson/DCRA) <ul style="list-style-type: none"> <li>Resent to a new FOIA Officer (Deborah Britt)</li> </ul>	Decision remanded to DCRA for further action.  Agency decision affirmed and appeal dismissed.	
MLC 2008 60	9/8/08	9/30/08	9/8/08	9/23/08	Appealing partial denial (Diane Jordan/ DDOT)	Agency decision VACATED & the matter REMANDED to DDOT to provide a response.	

FY 2008 FOIA APPEALS

FOIA Appeal Number	Date Received*	Date of Decision	Date Sent to Agency	Date Returned from Agency	Subject (agency or department)	Disposition (affirmed; reversed; dismissed; withdrawn; remanded; other)	Etc.
MLC 2008 61	9/10/08	10/16/08	9/11/08 11/6/08	9/25/08 DDOT 9/23/08	Appealing Agency Denial (Diana Jordan/DDOT) (Angela Washington/ OCFO)	Agency decision upheld. Appeal dismissed. Reconsideration denied.	
MLC 2008 62	8/22/08	9/19/08	8/22/08	8/22/08	Appealing agency denial (Nykisha Cleveland/OPC) (Office of Police Complaints)	Agency Decision Upheld; Appeal Dismissed.	
MLC 2008 63 IQ 608736	9/19/08	10/10/08	9/23/08	Due 9/30/08	Agency did not deny request. Borbely wants request in a certain format. (Najuma Thorpe/DHCD)	Agency decision was vacated and matter was remanded	
MLC 2008 64 IQ 613956	9/24/08	10/9/08	9/24/08	Due 10/01/08 <b>OAG- 9/26/08</b> DCCB OCFO	Appealing agencies denials: (Ridgely Bennett/ DCCB) (Charley Barbera/OCFO) (Thorn Pozen/OAG)	Agency Decision Affirmed.	

GOVERNMENT OF THE DISTRICT OF COLUMBIA

---

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2008-4

December 2, 2008

TO: All Department and Agency Heads and Designated FOIA Officers

ORIGINATOR: Stephanie D. Scott, Secretary of the District of Columbia



SUBJECT: Annual District of Columbia Freedom of Information Act Report

In accordance with the District of Columbia Freedom of Information Act<sup>1</sup> (D.C. FOIA), the Mayor of the District of Columbia is required to submit to the Council of the District of Columbia by February 1, an annual report of the FOIA disclosure activities of each "public body" (agency) of the D.C. government for the most recent fiscal year. This memo is to request that your agency provide us with your FY2008 FOIA report so we can prepare the Mayor's report to the Council.

Each agency is required to report the following items using the attached form:

1. The number of FOIA requests received and the number of requests completed<sup>2</sup>;
2. The number of requests for records that had not yet been completed by September 30, 2008;
3. The average<sup>3</sup> number of days that unfilled requests have been pending before each public body as of September 30, 2008 (i.e., of the incomplete requests, how long had they been waiting for a response, on average ?);
4. The number of determinations made by each agency not to comply with requests for records and the reasons for each determination;
5. The number of requests completed within fifteen (15) days;
6. The number of requests completed between sixteen (16) to twenty-five (25) days;
7. The number of requests completed in twenty-six (26) days or more;
8. The average<sup>3</sup> number of days taken by each agency to complete requests;
9. The total amount of fees collected by each agency for processing requests;
10. The number of hours that staff devoted to processing requests for records, and the total cost expended by each public body for processing such requests; and
11. The number of employees found guilty of a misdemeanor for arbitrarily and capriciously violating any provision of the D.C. FOIA;

---

<sup>1</sup> Section 208 of the District of Columbia Freedom of Information Act of 1976, D.C. Official Code § 2-538 (2001), as amended by D.C. Law 13-283, the "Freedom of Information Amendment Act of 2000," effective April 27, 2001

<sup>2</sup> "Completed" means that the requested information was delivered or that the request was denied in writing.

<sup>3</sup> DC FOIA requires the "median" number of days, but we would like to report the "mean" as it is a more useful statistic here.

Attached is the standard form that all District agencies (public bodies) must use to report FOIA disclosures to facilitate the preparation of the annual report. Please answer all questions on the attached form for the reporting period October 1, 2007 through September 30, 2008.

Each public body's Department Head or FOIA officer will be e-mailed the form to be returned via e-mail to Erica Easter at [erica.easter@dc.gov](mailto:erica.easter@dc.gov) no later than Wednesday, December 31, 2008. Using this pdf version is the best way to ensure accuracy and timeliness as we create the final report.

If you have any questions or concerns regarding the annual report required by the D.C. FOIA, please contact Thorn Pozen, Freedom of Information Act Officer, Office of the Attorney General, at (202) 724-0872 or [thorn.pozen@dc.gov](mailto:thorn.pozen@dc.gov), or Erica Easter, Chief of Staff, Office of the Secretary, Executive Office of the Mayor, at (202) 727-6306 or [erica.easter@dc.gov](mailto:erica.easter@dc.gov).

Attachments: To be e-mailed.