

**Children's Studio School PCS
1301 V Street, NW
Washington, DC 2009**

NOTICE

Children's Studio School PCS, In compliance with Section 2204 (c) of the District of Columbia School Reform Act 1995 ("Act"), hereby solicits expression of interest from contractors in the following areas:

1. Maintenance & Support to the following items:

- a. Cisco Aironet 350 Series Wireless Access Points
- b. 10 Ethernet Switches
- c. 1 Microsoft Exchange Server 2000 / 1 Exchange 2000 video conference server
- d. 1 Microsoft Windows 2000 Web Server
- e. 3 APC Rack UPS
- f. 1 Netopia R910 route
- g. 2 Sony PCS Video Stations

2. Video Conferencing

- a. 8 Sony PCS Video Stations

3. Upgrades

- a. Wireless Adapters
- b. Firewall
- c. 10 Dell 2124 Ethernet switches
- d. Upgrade to T1 or standalone line for video conference only

4. Telecommunications Services

- a. Local telephone and fax services
- b. Long Distance Services
- c. Cellular Phone Services

Interested contractors shall state their credentials, how long they have conducted their business and provide references, shall submit evidence of successful completion of projects of similar size and scope, indicate staff size and availability, and bonding capability.

Quotations can be E-mailed to denise@studioschool.org using the subject line Children's Studio or Faxed: (202) 986-0792. This project is slated to begin with E-rate Year July 1, 2004 and end June 30, 2005. Deadline for submissions is January 30, 2004, COB.

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
1106 Allison Street	76	2917	4
7100 Chestnut Street	808	3184	4
1205 Clifton Street	40	2865	1
1323 Corcoran Street	21	240	2
1405R Crittenden Street-Rear	823	2706	4
1502 Decatur Street	32	2707	4
412 Delafield Place	175	3251	4
1123 Fairmont Street-Rear	46	2859	1
617 Farragut Street	106	3212	4
1304 Farragut Street	41	2807	4
519 Florida Avenue	35	3093	1
521 Florida Avenue	26	3093	1
3200 Georgia Avenue	909	2892	1
3203 Georgia Avenue	809	3042	1
3212 Georgia Avenue	848	2906	4
3212 Georgia Avenue-Rear	848	2906	4
3801 Georgia Avenue	55	3028	4
5627-5631 Georgia Avenue	039	2991	4
5806 Georgia Avenue-Rear	841	2937	4
7700 Georgia Avenue	21	2957	4
4820 Iowa Avenue	30	2709	4
425 Irving Street-Rear	64	3049	4
535 Irving Street	31	3048	1
535 Irving Street-Rear	31	3048	1
470 K Street	44	516	2
1217 Kenyon Street	117	2844	1
1331 Kenyon Street	47	2843	1
414 Longfellow Street-Rear	19	3260	4
503 Longfellow Street	50	3206	4
718 Marietta Place	43	3155	4
4001 Marlboro Place	48	3313	4
1021 Monroe Street	74	2832	1
1824 Monroe Street	813	2614	1
1342 Montague Street	46	2796	4
1342 Montague Street-Rear	46	2796	4

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
3500 Nebraska Avenue	24	1599	3
1424 North Capitol Street	10	616	5
1424 North Capitol Street-Rear	10	616	5
4922 North Capitol Street	67	3401	4
505 O Street	36	479	5
507 O Street	37	479	5
509 O Street	2001/2002	479	5
820 Otis Place	119	2895	1
88-88 1/2 P Street	825	616	2
219 P Street	833	475	5
3245 Patterson Street-Rear	25	2021	4
1000 Park Road	39	2841	1
1424 Parkwood Place	46	2688	1
1001 Quebec Place, NW	63	2902	4
50 R Street-Rear	31	3101	5
403 R Street	801	0507	5
1000 Rhode Island Avenue	19	337	2
1427 Rhode Island Avenue	27	210	2
1429 Rhode Island Avenue	28	210	2
735 Rock Creek Church Road-Rear	58	3130	4
1355 Shepherd Street	45	2823	4
1421 T Street-Rear	845	205	1
533 U Street	38	3079	2
901-01 U Street	88	360	1
903 U Street, NW	89	360	1
131 Varnum Street	803	3321	4
911 W Street	067	0357	1
1305 Wallach Place	169	237	1
223 Webster Street	820	3319	4
225 Webster Street	10	3319	4
1831 Wiltberger Street	849	9441	1
1227 1 st Street	9	618	5
1202 3 rd Street	837	523	2
5311 3 rd Street-Rear	6	3328	4
5807 3 rd Place-Rear	81	3291	4
1222 4 th Street	903	513	2
1716 4 th Street	803	507	5
1416 5 th Street	26	479	2
3927 5 th Street	78	3237	4

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
4109 5 th Street	47	3241	4
1104 6 th Street	859	449	2
1539 7 th Street	179	445	2
1527 8 th Street	15	421	2
1301 9 th Street	801	399	2
1303 9 th Street	62	399	2
1305 9 th Street	63	399	2
1307 9 th Street	803	399	2
1309 9 th Street	804	399	2
4428 9 th Street-Rear (Addition)	34	3020	4
1513-1515 11 th Street	815	337	2
1513-1515 11 th Street-(Rear)	815	337	2
1725 11 th Street	805	0335	2
2219 13 th Street	86	271	1
3637 13 th Street	145	2829	1
5008 13 th Street	53	2806	4
5008 13 th Street-Rear	53	2806	4
3564 14 th Street	24	2688	1
3614 14 th Street	26	2689	1
5310 14 th Street	13	2716	4
3222 19 th Street-Rear	817	2604	1
1617 21 st Street	136	93	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
3701 Benning Road	807	5044	5
2301 Bladensburg Road	41	4359	5
3042 Clinton Street	826	4319	5
1820 Corcoran Street	18	4049	5
600 Division Avenue	13	5196	7
1717 E Street	143	4546	6
1721 E Street	144	4546	6
26 Florida Avenue	71	3516	5
629 Florida Avenue	176	855	6
5900 Foote Street,	805	5256	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (cont'd)</u>			
4116 Gault Place	67	5077	7
303 K Street	804	775	6
1118 Montello Avenue	71	4070	5
1916 Newton Street	118	4202	5
2422 Otis Street-Rear	48	4298	1
52 Q Street	105	3520	5
58 Q Street	102	3250	5
4608 Quarles Street-Rear	24	5167	7
1515 Rhode Island Avenue	43	4131	5
1515 Rhode Island Avenue-Rear	43	4131	5
115 Riggs Road	85	3701	5
4310 Sheriff Road	819	5097	7
4326 Sheriff Road	831	5097	7
1741 Trinidad Avenue	26	4082	5
142 Webster Street	42	3668	4
1407 West Virginia Avenue	155	4059	5
2413 2 nd Street	38	3556	5
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
2407 3 rd Street	28	3555	5
819 7 th Street	22	889	6
821 7 th Street	39	889	6
251 8 th Street	64	917	6
608 8 th Street	45	891	6
914 9 th Street	45	910	6
4100 13 th Street	24	Par 146	5
3122 16 th Street	39	4014	5
4413 16 th Street	5	4617	5
1234 18 th Place	811	4445	5
1236 18 th Place	811	4445	5
3712 24 th Street	42	4242	5
913 43 rd Place	47	5096	7
1044 44 th Street	70	5125	7
919 47 th Street	119	5151	7
1044 48 th Place	35	5153	7
945 52 nd Street	803	5199	7
234 56 th Street	144	5250	7
201 63 rd Street	31	5269	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
4427 A Street	107	5350	7
3608 Alabama Avenue	823	5668	7
27 Atlantic Street	54	6170	8
4926 Call Place	33	5336	7
4030 Call Place	32	5336	7
5050 B Street	28	5326	7
5034 Bass Place	25	5325	7
5000 Call Place	35	5323	7
420 Chesapeake Street-Rear	808	6165	8
422 Chesapeake Street-Rear	809	6165	8
1720 D Street	87	1100	6
1229 E Street	816	1019	6
3326 Ely Place	807	5444	6
1254 Half Street	99	0701	6
1260 Half Street	144	0701	6
1415 Morris Road	50	5809	6
1430 Morris Road	2	5810	8
2329 Q Street	56	5587	6
1008 South Carolina Avenue	23	970	6
1219 Sumner Road	979	5865	8
1242 W Street	99	5782	8
4001 4 th Street	39	6167	8
1012 7 th Street	11	906	6
1014 7 th Street	10	906	6
102 9 th Street	801	0943	6
2105 13 th Street	681	5782	6
333 16 th Street	82	1074	6
2201 16 th Street	26	5795	8
20 53 rd Place	884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
71 Forrester Street	67	6240	8

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in five (5) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: 3B02

Petition Circulation Period: **Monday, January 5, 2004 thru Monday, January 26, 2004**

Petition Challenge Period: **Thursday, January 29, 2004 thru Wednesday, February 4, 2004**

VACANT: 1C05

Petition Circulation Period: **Tuesday, January 12, 2004 thru Monday, February 2, 2004**

Petition Challenge Period: **Thursday, February 5, 2004 thru Wednesday, February 11, 2004**

VACANT: 7D07

Petition Circulation Period: **Wednesday, January 14, 2003 thru Tuesday, February 3, 2004**

Petition Challenge Period: **Friday, February 6, 2004 thru Thursday, February 12, 2004**

VACANT: 3B01,5A01

Petition Circulation Period: **Tuesday, January 20, 2004 thru Monday, February 9, 2004**

Petition Challenge Period: **Thursday, February 12, 2004 thru Thursday, February 19, 2004**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N**

For more information, the public may call 727-2525.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR §206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to construct/operate four (4) 1.56 MMBTU/hr, natural gas-fired, 23000 cfm Gaylord Air Heater, model CSU-20K-H24 and fourteen (14) 1.32 MMBTU/hr, natural-gas-fired, 17000 cfm Gaylord Air Heater, model CSU-17K, located at Blue Plains AWTP Solids Processing Building – 5000 Overlook Avenue, S.W. Washington, in the District of Columbia.

The application and the proposed permit for the construction/operation of the air heaters are available for public inspection at AQD offices and copies may be obtained between the hours of 8:00 am and 4:45 pm Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any to John C. Nwoke, at (202) 724-7778.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after February 23, 2004 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact John C. Nwoke at (202) 724-7778.

Government of the District of Columbia
Department of Health
Environmental Health Administration
Bureau of Environmental Quality
Air Quality Division

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR §206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to install two (2) 8.0 MMBTU/hr, dual fired UNILUX Fire tube boiler, model Z F800W, located at Bolling Air Force Base, Building Number 6000 – 370 Brookley Avenue S.W. Washington, in the District of Columbia.

The application and the proposed permit for the construction of boilers are available for public inspection at AQD offices and copies may be obtained between the hours of 8:00 am and 4:45 pm Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any to John C. Nwoke, at (202) 724-7778.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after February 23, 2004 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact John C. Nwoke at (202) 724-7778.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH**

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code § 1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to operate two 30.6 million BTU per hour Gordon-Piatt model F209-GO 400 burners and four 10.14 million BTU per hour of heat input capacity electricity generators model S12H PTA, (the four electricity generators are equipped with emission controls utilizing urea injection and identical selective catalytic reduction (SCR), at the new Washington Convention Center at 801 Mount Vernon Place, N.W. in the District of Columbia.

The permit and the test results are available for public to review at the AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after February 23, 2004 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, and mailing address, and must contain a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

PUBLIC NOTICE**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
BUREAU OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
51 N STREET, N.E., 5th Floor
WASHINGTON, D.C. 20002**

The District of Columbia has prepared Total Maximum Daily Load (TMDL) documents under the requirement of the Clean Water Act, Section 303(d).

The public is invited to comment on the following TMDL document:

Draft Total Maximum Daily Load for Metals in Rock Creek

Copies of the document are on file and may be inspected at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, D.C. 20001, during normal business hours. In addition, the document can be obtained by calling the Water Quality Division at (202) 535-2190 between the hours of 9:00 am and 3:00 pm.

Persons wishing to submit comments may do so by mail, within 30 days of this Public Notice to the above address, attention Ms. Jerusalem Bekele, Program Manager. Such written comments are to be clearly marked "Rock Creek Toxics TMDL Comments" and received by February 23, 2004. The Water Quality Division will consider the comments received to finalize the draft documents for transmittal to the U.S. Environmental Protection Agency.

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Judicial Tenure Commission Begins Review Of
Judge Michael W. Farrell

This is to notify members of the bar and the general public that the Commission has begun inquiries into the qualifications of Judge Michael W. Farrell of the District of Columbia Court of Appeals. Judge Farrell is a declared candidate for reappointment as an Associate Judge upon the expiration of his term on June 14, 2004.

Under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 796 (1973), §443 (c) as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §12 (1) provides in part as follows:

“...If a declaration (of candidacy) is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate’s term of office, prepare and submit to the President a written evaluation of the declaring candidate’s performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the nomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.”

The Commission hereby requests members of the bar, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Judge Farrell which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting material shall be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed or delivered by March 8, 2004, and addressed to:

District of Columbia Commission on Judicial
Disabilities and Tenure
Building A, Room 312
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
Fax: (202) 727-9718

The members of the Commission are:

Ronald Richardson, Chairperson
Hon. Gladys Kessler, Vice Chairperson
Mary E. Baluss, Esquire
Gary C. Dennis, M.D.
Eric H. Holder, Jr., Esquire
William P. Lightfoot, Esquire

PUBLIC CHARTER SCHOOL BOARD

NOTICE OF PUBLIC MEETING

Washington, DC: The DC Public Charter School Board will hold its monthly public meeting on Monday, January 26th at 6:30pm. Agenda items will include decisions on three second-stage applications and Fifth Year Reviews of the seven schools that have completed five years of operation. The meeting will take place at the Board headquarters at 1436 U Street, NW, Suite 401.

Community members interested in public charter school education are encouraged to attend. For more information, call 202/328-2660.

Office of the Secretary of the
District of Columbia

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after February 1, 2004.

Alemseged, Meseret	Rpt	Small Enterprise Asst 1050 17 th St,NW#1150 20036
Cashin, Cheyenne K.	Rpt	Cleary Gottlieb et al 2000 Pa Ave,NW 20006
Coleman, Dolores H.	Rpt	DOT/Surface Trans Bd 1925 K St,NW 20423
Daye, Dawne	Rpt	Corporation Counsel 441 4 th St,NW#116S 20001
Deal, Jocelyn	Rpt	Wash Convention Ctr Auth 801 Mt Vernon Pl,NW 20001
Evans, Recita T.	Rpt	DCRA/Office of Gen Coun 941 N Cap St,NE#9400 20002
Ferguson, Constance Y.	Rpt	Supreme Court of the U.S. 1 First St,NE 20543
Fidell, Eugene R.	Rpt	Feldesman Tucker et al 2001 L St,NW2ndF1 20036
Gamiz, Janice M.	Rpt	Skadden Arps et al 1440 N Y Ave,NW 20005
Hayden, Richard T.	Rpt	Downtown Title & Escrow 1726 M St,NW#1101 20036
Hunter, Carolyn A.	Rpt	F D I C 550 17 th St,NW 20429

James, Laurie H.	Rpt	Smithsonian Inst Hirshhorn Museum 20013
Johnson-Goodnight, Jacquelyn A.	Rpt	A A R P 601 E St,NW 20049
Jones, Dianne F.	Rpt	D.C. Dept of Corrections 1901 D St,SE 20003
Kreisher, Tina A.	Rpt	Holladay Corporation 3400 Idaho Ave,NW#500 20016
Lacy, Gail Webb	Rpt	D.C. Baptist Convention 1628 16 th St,NW 20009
Ledbetter, Beverly A.	Rpt	DOT/Surface Trans Bd 1925 K St,NW 20423
Mehar, Dinesh	Rpt	W T Weaver & Sons 1208 Wis Ave,NW 20007
Morejon, Fanny	Rpt	Organization/Amer States 1889 F St,NW 20006
Murphy, Judith A.	Rpt	O'Connor & Hannan 1666 K St,NW#500 20006
Ollinger, Maria E.	Rpt	C B Richard Ellis 555 11 th St,NW#300 20005
Postell, Ernest	Rpt	1418 E St,NE 20002
Rubin, Michelle Press	Rpt	Press & Press 2150 Wis Ave,NW 20007
Qualo, Marie Carmel	Rpt	International Paper 1101 Pa Ave,NW#200 20004
Schlesinger, Janice	Rpt	The Stephen Goldberg Co 1615 M St,NW#650 20036

Scott, Valerie L.	Rpt	Covington & Burling 1201 Pa Ave,NW 20004
Smith, Elwyn E.	Rpt	DHS/Investigations&Comp 2146 Ga Ave,NW 20001
Trimble, John W.	Rpt	U.S.Senate Disbursing Off Hart S O B #127 20510
Uzzel, Bettye J.	Rpt	DOT/Surface Trans Bd 1925 K St,NW 20423
Wheeler, George L.	Rpt	35 U St,NW 20001
Williams, Christine N.	Rpt	427 Ingraham St,NW 20011
Wilson, Victoria L.	Rpt	Ace Federal Reporters 1120 G St,NW 20005

SECRETARY OF THE
DISTRICT OF COLUMBIAGOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE
OFFICE OF THE SECRETARY
OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

Final Decision

Appeal of: Marc Borbély

Matter No: Misc. 080803

Date: January 5, 2004

Arnold R. Finlayson, Esq., Director, Office of Documents and Administrative Issuances, participated in the preparation of this decision.

I. INTRODUCTION

The above-captioned matter, commenced pursuant to section 207(a) of the District of Columbia Freedom of Information Act ("D.C.-FOIA"), D.C. Official Code § 2-537(a) (2001),¹ is before the Secretary of the District of Columbia for a final decision on Mr. Marc Borbély's (hereinafter the "appellant") administrative appeal of the Metropolitan Police Department's ("MPD" or the "agency")

¹ Pursuant to section 207(a) of the D.C.-FOIA, "[a]ny person denied the right to inspect a public record of a public body may petition the Mayor to review the public record to determine whether it may be withheld from public inspection." D.C. Official Code § 2-537(a) (emphasis added).

denial of his request for a copy of certain records which contain information regarding arrests that is required to be maintained by MPD and made publicly available for inspection by any person upon request therefor, unless such records are being used by the agency.

More specifically, the instant appeal arises from MPD's blanket denial of the appellant's request for the data contained in "arrest books" which the agency asserted, in its denial letter, is protected from disclosure pursuant to D.C. Official Code § 2-534(a)(C)(3), commonly referred to as the law enforcement exemption.

Following a brief summary of the relevant background facts, and a general overview of the legal principles underlying the D.C.-FOIA, this decision considers the propriety of MPD's decision to withhold the requested arrest book records from disclosure to the appellant pursuant to his D.C.-FOIA request.

II. FACTUAL BACKGROUND

Pursuant to Public Law 609, dated August 20, 1954, entitled "AN ACT To provide that the Metropolitan Police force shall keep arrest books which are open to public inspection" (hereinafter the "Act") the MPD "is statutorily required to maintain arrest books recording, inter alia,

the date and place of an arrest, the name and address of the arrestee, and the offense with which he is charged." Knable v. Wilson, 570 F.2d 957, 964 n. 47 (D.C. Cir. 1977). The Act specifically mandates that arrest book "records must be kept open to public inspection when not in actual use." Id.; see D.C. Official Code § 5-113.06(a) (2001).

By letter dated September 26, 2002, the appellant, via a D.C.-FOIA request, sought the following:

. . . An electronic database in Microsoft Excel form (to be delivered by e-mail or on CD-ROM) that contains all "arrest book" information (D.C. Code § 5-113.01(4)(a)-(f) (2002) for every arrest made on or after January 1, 1999.

Letter dated September 26, 2002 from M. Borbély to Sgt. J. Gentile.

MPD's response to the appellant's D.C.-FOIA request came in the form of a denial letter dated February 24, 2003 which essentially recited the statutory language contained in D.C.-FOIA Exemption 3(c) as the reason for the decision not to release the requested arrest book information. Specifically, in support of its nondisclosure determination, MPD generally asserted as follows:

The decision not to release this information is cited in D.C. Code Section 2-534(a)(3)(C). This code exempts the disclosure of investigatory records compiled for law enforcement purposes, which could reasonably constitute an unwarranted invasion of privacy.

Dissatisfied with MPD's denial of his D.C.-FOIA request, the appellant filed the instant administrative appeal of MPD's decision to deny the disclosure of the records which are within the scope of his D.C.-FOIA request.

III. DISCUSSION

A. GENERAL OVERVIEW OF THE D.C.-FOIA

The D.C.-FOIA, like the federal FOIA upon which it was modeled, was enacted in 1976 to divest government officials of broad discretion in determining what, if any, government records should be made available to the public upon the receipt of a request for information. See Subcommittee on Administrative Practice & Procedure of the Senate Committee on Judiciary, 95th Cong., 2d. Sess., *Freedom of Information: A Compilation of State Laws* (Comm.Print 1978); see also Washington Post v. Minority Business Opportunity Commission, 560 A.2d 517, 521 (D.C. 1989). In this regard, the D.C.-FOIA was "designed to promote the disclosure of information, not inhibit it." Id.

The D.C.-FOIA embodies "[t]he public policy of the District of Columbia . . . that all persons are entitled to full and complete disclosure of information regarding the affairs of government and the official acts of those who

represent them as public officials and employees." D.C. Official Code § 2-531; see Donahue v. Thomas, 618 A.2d 601, 602 n.2 (D.C. 1992); Newspapers, Inc. v. Metropolitan Police Department, 546 A.2d 990, 993 (D.C. 1988); Barry v. Washington Post Company, 529 A.2d 319, 321 (D.C. 1987).

In order to accord full force and effect to the spirit and intent of the D.C.-FOIA, officials of District of Columbia public bodies are required to construe its provisions "with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information." D.C. Official Code § 2-531; see Washington Post, 560 A.2d at 521; Newspapers, Inc., 546 A.2d at 993. Thus, the policy underlying the D.C.-FOIA favors the broad disclosure of official records in the possession, custody or control of public bodies of the government of the District of Columbia, unless such records (or portions thereof) fall squarely within the purview of one or more of the nine categories of information which are expressly exempted from the disclosure mandate. See Washington Post, supra; Newspapers, Inc., supra. The nine statutory exemptions enumerated in the D.C.-FOIA, which protect certain types of confidential and/or privileged information from disclosure, "are to be construed narrowly,

with ambiguities resolved in favor of disclosure."

Washington Post, supra.

**B. D.C.-FOIA's BROAD DISCLOSURE MANDATE
AND EXEMPTION SCHEME**

Section 202(a) of the D.C.-FOIA provides that "[a]ny person has [the] right to inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534." D.C. Official Code § 2-532(a) (emphasis added). Section 2-534 of the D.C. Official Code, conspicuously entitled "**Exemptions from disclosure**," in turn, enumerates the nine categories of information which "may be exempt from disclosure under the provisions of [the D.C.-FOIA]." D.C. Official Code § 2-534(a) (1) - (9) (emphasis added).²

Taken together, sections 2-532(a) and 2-534 of the D.C. Official Code clearly and explicitly require the mandatory disclosure of all public records in the possession, custody or control of District public bodies, to the extent that such records (or any reasonably

² In the legal sense, the "use of the word 'may' in a statute ordinarily denotes discretion." In re Langon, 663 A.2d 1248 (D.C. 1995). Indeed, the federal FOIA has been interpreted by federal courts to permit agencies to make discretionary disclosures of records otherwise exempt under at least four of the exemptions to the federal FOIA. See Bartholdi Cable Co. v. FCC, 114 F.3d 274, 282 (D.C. Cir. 1997) ("FOIA's exemptions simply permit, but do not require, an agency to withhold exempted information").

segregable portions thereof), do not fall within the ambit of any of the nine statutory exemptions which protect certain categories of public records from disclosure. See Barry v. Washington Post Co., 529 A.2d 319, 321 (D.C. 1987) ("The [D.C.-FOIA] provides for full disclosure unless the information requested is exempted under a specific statutory provision").³

D.C.-FOIA Exemption 3(C)

In the present matter, MPD invoked D.C.-FOIA Exemption 3(C) to withhold an electronic copy of the subject arrest book records from disclosure to the appellant. D.C.-FOIA Exemption 3(C) shields from disclosure the following:

Investigatory records compiled for law-enforcement purposes, but only to the extent that the production of such records would:

* * * *

(C) Constitute an unwarranted invasion of personal privacy[.]

D.C. Official Code 2-534(a)(3)(C)(2001).

In its denial letter, MPD's brief statement of the grounds which support its determination to deny public

³ D.C. Official Code § 2-534(b) provides, in pertinent part, that "[a]ny reasonably segregable portion of a public record shall be provided to any person requesting such record after deletion of those portions which may be withheld from disclosure under subsection (a) of this section."

access to the arrest book records closely tracks the language contained in D.C.-FOIA Exemption 3(C).⁴

In apposite federal FOIA cases, the courts have held that the mere recitation of the statutory language or statutory standard applicable to an exemption from disclosure is insufficient to justify the withholding of records sought by a requester. See Billington v. United States Dep't of Justice, 233 F.3d 581, 584 (D.C. Cir. 2000) ("bald assertion that . . . amounts to little more than recitation of statutory standard . . . is insufficient"); accord Davis v. Central Intelligence Agency, 711 F.2d 858, 861 (8th Cir. 1983) (letter which provided "not much more than a recitation of statutory standards" was "clearly inadequate" to support the withholding of records in a federal FOIA Exemption 7 (law enforcement exemption) case; see also Long v. U.S. Department of Justice, 10 F. Supp. 2d 205, 209 (S.D.N.Y. 1998) ("Conclusory and generalized allegations, as well as the mere recitation of statutory language, is unacceptable.")

The above-cited federal cases are particularly relevant to a determination of the proper interpretation to be given to the D.C.-FOIA because, as this office has observed in

⁴ See page 3 of this decision.

prior final decisions, binding precedent from the D.C. Court of Appeals has instructed that under circumstances where, as here, a "statute is borrowed extensively from a federal statute, as the D.C.-FOIA was from the federal Freedom of Information Act . . . the decisions of the (federal) court of last resort are normally adopted with the statute."

Donahue v. Thomas, 618 A.2d 601, 602 n. 3 (D.C. 1992)

(quoting Lenaetts v. District of Columbia Dep't of Employment Services, 545 A.2d 1234, 1238 n.9 (D.C. 1988)).

Therefore, "except where the two acts differ, . . . case law interpreting the federal FOIA [is] instructive authority with respect to our own Act." Washington Post, supra, 560 A.2d at 521 n.5.

Based on federal case law, MPD's recitation of the statutory language contained in D.C.-FOIA Exemption 3(c) in its letter of denial was insufficient to support the withholding of the arrest book records from disclosure to the appellant.

Moreover, the regulations which implement the D.C.-FOIA also support the conclusion that MPD's letter denying the appellant's D.C.-FOIA request was inadequate. In this regard, section 407 of Title 1 of the District of Columbia Municipal Regulations ("DCMR") requires public bodies which deny a D.C.-FOIA request, in whole or in part, to provide

both an "[1] explanation of how each exemption applies to the record withheld and [2] a statement of the public interest considerations which establish the need for withholding the record." 1 DCMR § 407.2(b) (June 2001).

The record before the Office of the Secretary does not contain any information bearing on either regulatory requirement.⁵ Therefore, it is necessary to remand this appeal to MPD for an explanation as to how Exemption 3(C) applies to the withholding of arrest book records and a statement of the public interest considerations which establish the need for the nondisclosure of the requested records.

Turning next to the appellant's contention that the arrest book records are required by law to be made available for public inspection, two provisions of the D.C. Official Code appear to be relevant, namely: D.C. Official Code §§ 5-113.01 and 5.113.06.

D.C. Official Code § 5-113.01, entitled **Records-Required**, provides, in pertinent part, as follows:

The Mayor of the District of Columbia shall cause the Metropolitan Police force to keep the following records:

⁵ The apparent purpose of the latter of the aforesaid requirements is to foster discretionary disclosures of otherwise exempt records as a matter of sound administrative discretion in the absence of a compelling countervailing public interest militating against the disclosure of such information.

* * * *

(4) Arrest books, which shall contain the following information:

- (A) Case number, date of arrest, and time of recording arrest in arrest book;
- (B) Name, address, date of birth, color, birthplace, occupation, and marital status of person arrested;
- (C) Offense with which person arrested was charged and place where person was arrested;
- (D) Name and address of complainant;
- (E) Name of arresting officer; and
- (F) Disposition of case;

D.C. Official Code § 5-113.06, entitled **Records open to public inspection**, in turn, provides as follows:

(a) *The records to be kept by paragraphs(1), (2) and (4) of § 5-113.01 shall be open to public inspection when not in actual use, and this requirement shall be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.*

(emphasis added)

Construed in harmony, the clear import of the above-quoted provisions is that arrest book records are required to be made available for review by any member of the public upon a request for such information, unless such records are presently being used by law enforcement authorities for official business purposes.

Such an interpretation is consistent with section 204(c) of the D.C.-FOIA which, in pertinent part, provides:

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. . . . *This section shall not operate to permit nondisclosure of information of which disclosure is authorized or mandated by other law.*

D.C. Official Code § 2-534(c) (emphasis added).

In the instant matter, this office is unable to determine from the record whether the arrest book records sought by the appellant were actually in use by the department at the time of the subject request, or if the agency considered whether disclosure was authorized or mandated by D.C. Official Code § 5-113.06. Therefore, it is necessary to remand this matter to MPD for further consideration in light of D.C. Official Code §§ 5-113.01, 5-113.06 and 2-534(c).

IV. CONCLUSION

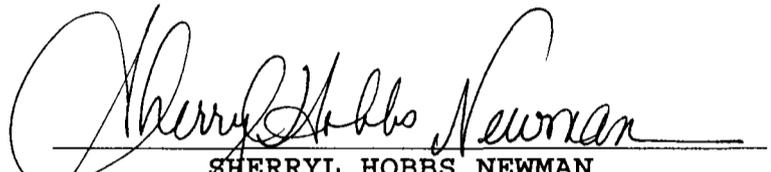
For all the foregoing reasons, this matter is remanded to MPD for further consideration consistent with the discussion above in this decision.

On remand, MPD is directed to provide a sufficiently detailed written response to this office within seven (7) working days of its receipt of this decision (with a courtesy copy to the appellant) which addresses whether the agency is still claiming that all arrest book records are protected from disclosure and, if so, an explanation as to

how any exemption(s) applies to each record withheld and a statement of the public interest considerations which establish the need for withholding such records in accordance with 1 DCMR § 407.2(b).

MPD is further directed to provide a written certification to the Mayor within ten (10) working days indicating its compliance with this decision or the reasons for noncompliance with the directives herein.

This constitutes the final decision of the Secretary of the District of Columbia in this matter.


SHERRYL HOBBS NEWMAN
SECRETARY OF THE DISTRICT OF COLUMBIA



SECRETARY OF THE
DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE
OFFICE OF THE SECRETARY
OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

Final Decision

Appeal of: Robert Vinson Brannum

Matter No: Misc. No. 071003

Date: January 7, 2004

Arnold R. Finlayson, Esq., Director, District of Columbia Office of Documents and Administrative Issuances, Office of the Secretary, Executive Office of the Mayor, participated in the preparation of this decision.

INTRODUCTION

The above-captioned matter is before the Secretary of the District of Columbia upon Mr. Robert Vinson Brannum's administrative appeal of the Office of Contracting and Procurement's partial denial of his request for records¹ pursuant to the District of Columbia Freedom of Information Act ("D.C.-FOIA"), D.C. Official Code §§ 2-531 et seq.

¹ Pursuant to section 207(a) of the D.C.-FOIA, "[a]ny person denied the right to inspect a public record of a public body *may petition the Mayor* to review the public record to determine whether it may be withheld from public inspection." D.C. Official Code § 2-537(a) (emphasis added).

(2001).²

Mr. Brannum (hereinafter the "appellant") alleges that the Contracting and Procurement office improperly redacted certain information from documents pertaining to the award of contract that were made available pursuant to his D.C.-FOIA request.

BACKGROUND

Solicitation No. POAA-2003-R-0068 was issued by the Office of Contracting and Procurement ("OCP" or "the office") to meet the District's requirements for emergency response training courses, and a contract was ultimately awarded to meet the government's needs.

Appellant sought, pursuant to his D.C.-FOIA request,³ "a copy of the successful grant application for solicitation #POAA-2003-R-0068." Letter from N. Hapeman dated July 10, 2003 to R. Brannum.⁴

OCP responded to the appellant's request by advising

² By Mayor's Order 97-177, dated October 9, 1997, the Secretary of the District of Columbia was delegated the authority vested in the Mayor to render decisions on administrative appeals and petitions for review under the D.C.-FOIA.

³ A copy of the appellant's D.C.-FOIA request was not submitted for the record before the Office of the Secretary.

⁴ According to OCP's FOIA Officer, "[t]he award was for a contract, not a grant." Letter dated July 10, 2003 from N. Hapeman to R. Brannum.

him that the office had "identified forty six (46) pages of documents in response to [his] request." Id.

Of the 46 pages of responsive documents, OCP made redactions to eight pages and, as grounds for the deletion of certain information, notified the appellant as follows:

Seven (7) pages have been redacted under D.C. Official Code § 2-534(a)(2), reflecting information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. One (1) page has been redacted reflecting D.C. Official Code § 2-534(a)(6), information specifically exempted from disclosure by statute.

Id.

The redaction of information from the documents made available in response to the appellant's D.C.-FOIA request prompted him to file the present appeal.

In his appeal letter, the appellant states that he is "requesting to receive the redacted information or to know with more specificity the reason for the redaction and the specific statute other than DC Code § 2-534(a)(6) requiring the redaction." Brannum Appeal Letter ¶1. In the second paragraph of his appeal letter, the appellant states that he is further requesting to receive the redacted information withheld under DC Code § 2-534(a)(2). It is my opinion the information should not be withheld." Brannum Appeal Letter ¶ 2.

According to the appellant, "[t]he information requested identifies individuals by professional skills, qualifications, experiences, and affiliations and would not constitute a personal invasion of privacy." Id. The appellant goes on to posit that:

The contractor relies heavily on the professional skills, qualifications, experiences, and affiliations of its staff to support its application; accordingly the Office of Contracting and Procurement cannot withhold information relating to the professional skills, qualifications, experiences, affiliations, of the individuals named in its application.

Id.

Following a general overview of the legal principles underlying the D.C.-FOIA, this decision provides a discussion on the merits of the subject appeal.

DISCUSSION

GENERAL OVERVIEW OF THE D.C.-FOIA

The D.C.-FOIA, like the federal FOIA upon which it was modeled, was enacted in 1976 to divest government officials of broad discretion in determining what, if any, government records should be made available to the public upon the receipt of a request for information. See Subcommittee on Administrative Practice & Procedure of the Senate Committee on Judiciary, 95th Cong., 2d. Sess., *Freedom of Information: A Compilation of State Laws* (Comm.Print 1978); see also Washington Post v. Minority Business Opportunity Commission,

560 A.2d 517, 521 (D.C. 1989). In this regard, the D.C.-FOIA was "designed to promote the disclosure of information, not inhibit it." Id.

The D.C.-FOIA embodies "[t]he public policy of the District of Columbia . . . that all persons are entitled to full and complete disclosure of information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531; see Donahue v. Thomas, 618 A.2d 601, 602 n.2 (D.C. 1992); Newspapers, Inc. v. Metropolitan Police Department, 546 A.2d 990, 993 (D.C. 1988); Barry v. Washington Post Company, 529 A.2d 319, 321 (D.C. 1987).

In order to accord full force and effect to the spirit and intent of the D.C.-FOIA, officials of District of Columbia public bodies are required to construe its provisions "with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information." D.C. Official Code § 2-531; see Washington Post, 560 A.2d at 521; Newspapers, Inc., 546 A.2d at 993. Thus, the policy underlying the D.C.-FOIA favors the broad disclosure of official records in the possession, custody or control of public bodies of the government of the District of Columbia, unless such records (or portions thereof) fall squarely within the purview of

one or more of the nine categories of information which are expressly exempted from the disclosure mandate. See Washington Post, supra; Newspapers, Inc., supra. The nine statutory exemptions enumerated in the D.C.-FOIA, which protect certain types of confidential and/or privileged information from disclosure, "are to be construed narrowly, with ambiguities resolved in favor of disclosure." Washington Post, supra.

**D.C.-FOIA's BROAD DISCLOSURE MANDATE
AND EXEMPTION SCHEME**

Section 202(a) of the D.C.-FOIA provides that "[a]ny person has [the] right to inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534." D.C. Official Code § 2-532(a) (emphasis added). Section 2-534 of the D.C. Official Code, conspicuously entitled "**Exemptions from disclosure**," in turn, enumerates the nine categories of information which "may be exempt from disclosure under the provisions of [the D.C.-FOIA]." D.C. Official Code § 2-534(a) (1) - (9) (emphasis added).⁵

⁵ In the legal sense, the "use of the word 'may' in a statute ordinarily denotes discretion." In re Langon, 663 A.2d 1248 (D.C. 1995). Indeed, the federal FOIA has been interpreted by federal courts to permit agencies to make discretionary disclosures of records otherwise exempt under at least four of the exemptions to the federal FOIA. See

Taken together, sections 2-532(a) and 2-534 of the D.C. Official Code clearly and explicitly require the mandatory disclosure of all public records in the possession, custody or control of District public bodies, to the extent that such records (or any reasonably segregable portions thereof),⁶ do not fall within the ambit of any of the nine statutory exemptions which protect certain categories of public records from disclosure. See Barry v. Washington Post Co., 529 A.2d 319, 321 (D.C. 1987) ("The [D.C.-FOIA] provides for full disclosure unless the information requested is exempted under a specific statutory provision").

PROPRIETY OF INVOKING D.C.-FOIA EXEMPTIONS 2 AND 6

In the instant matter, OCP's FOIA Officer cited D.C.-FOIA Exemptions 2 and 6 as the authority for the redaction of certain information from responsive documents sought by the appellant pursuant to his D.C.-FOIA request.

D.C.-FOIA Exemption 2 protects from disclosure

Bartholdi Cable Co. v. FCC, 114 F.3d 274, 282 (D.C. Cir. 1997) ("FOIA's exemptions simply permit, but do not require, an agency to withhold exempted information").

⁶ D.C. Official Code § 2-534(b) provides, in pertinent part, that "[a]ny reasonably segregable portion of a public record shall be provided to any person requesting such record after deletion of those portions which may be withheld from disclosure under subsection (a) of this section."

"[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy[.]" D.C. Official Code § 2-534(a)(2).

D.C.-FOIA Exemption 6 protects from disclosure "[i]nformation specifically exempted from disclosure by statute[.]" D.C. Official Code § 2-534(a)(6).

With respect to the information that was redacted from identified documents that OCP claims is protected by D.C.-FOIA Exemption 2, the office's full response to the appellant was as follows:

Seven (7) pages have been redacted under D.C. Official Code § 2-534(a)(2), reflecting information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

Letter dated July 10, 2003 from N. Hapeman to R. Brannum.

As regards the redacted information which OPS invoked D.C.-FOIA Exemption 6 to withhold from disclosure to the appellant, the office provided the following response:

One (1) page has been redacted reflecting D.C. Official Code § 2-534(a)(6), information specifically exempted from disclosure by statute.

Id.⁷

⁷ In its letter, OCP did not specify the relevant withholding statute that constitutes a statutory exemption to disclosure within the meaning of D.C.-FOIA Exemption 6.

In the *Appeal of Marc Borbély*, OSEC No. 080803 (January 5, 2004), this office just recently concluded, based on apposite federal FOIA case law, "that the mere recitation of the statutory language or statutory standard applicable to an exemption from disclosure is insufficient to justify the withholding of records sought by a requester." *Id.* at 8 (citing *Billington v. United States Dep't of Justice*, 233 F.3d 581, 584 (D.C. Cir. 2000) ("bald assertion that . . . amounts to little more than recitation of statutory standard . . . is insufficient"); *Davis v. Central Intelligence Agency*, 711 F.2d 858, 861 (8th Cir. 1983) (letter which provided "not much more than a recitation of statutory standards" was "clearly inadequate" to support the withholding of records in a federal FOIA case; *Long v. U.S. Department of Justice*, 10 F. Supp. 2d 205, 209 (S.D.N.Y. 1998) ("Conclusory and generalized allegations, as well as the mere recitation of statutory language, is unacceptable.")).

In reaching the conclusion in the *Appeal of Marc Borbély*, this office found that "federal cases are particularly relevant to a determination of the proper interpretation to be given to the D.C.-FOIA because . . . binding precedent from the D.C. Court of Appeals has instructed that under circumstances where, as here, a

'statute is borrowed extensively from a federal statute, as the D.C.-FOIA was from the federal Freedom of Information Act . . . the decisions of the (federal) court of last resort are normally adopted with the statute.' Id. at 9 (quoting Donahue v. Thomas, 618 A.2d 601, 602 n. 3 (D.C. 1992) (quoting Lenaetts v. District of Columbia Dep't of Employment Services, 545 A.2d 1234, 1238 n.9 (D.C. 1988))). Therefore, 'except where the two acts differ, . . . case law interpreting the federal FOIA [is] instructive authority with respect to our own Act.'" Washington Post, supra, 560 A.2d at 521 n.5.

Based on the authoritative guidance gleaned from pertinent federal case law, this office concludes that OCP's recitation of the statutory language contained in D.C.-FOIA Exemptions 2 and 6 in its letter of partial denial was an insufficient explanation to justify the redaction of information from the records identified as being responsive to the appellant's D.C.-FOIA request.

In addition, as this office also determined in the *Appeal of Marc Borbély*, "the regulations which implement the D.C.-FOIA also support the conclusion that OCP's letter denying the appellant's D.C.-FOIA request was inadequate." Id. at 10.

"[S]ection 407 of Title 1 of the District of Columbia Municipal Regulations ("DCMR") requires public bodies which deny a D.C.-FOIA request, in whole or in part, to provide both an '[1] explanation of how each exemption applies to the record withheld and [2] a statement of the public interest considerations which establish the need for withholding the record.'" Id. (quoting 1 DCMR § 407.2(b) (June 2001)).

In the present matter, the partial denial letter to the appellant satisfies neither of the aforesaid regulatory requirements.⁸ Accordingly, it is necessary to remand this appeal to OCP for (1) an explanation as to how Exemptions 2 and 6 of the D.C.-FOIA justify the redaction of information from the documents identified as being responsive to the appellant's request **and** (2) a statement of the public interest considerations which militate against the disclosure of the redacted information.

CONCLUSION

Based on all the foregoing, it is the final decision of the Secretary of the District of Columbia that the

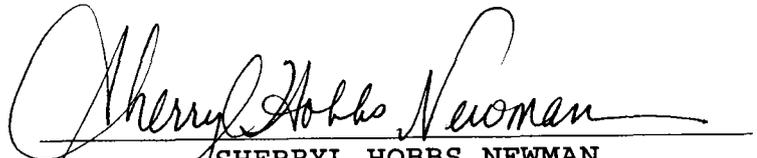
⁸ The apparent purpose of the latter of the aforesaid requirements is to foster discretionary disclosures of otherwise exempt records as a matter of sound administrative discretion in the absence of a compelling countervailing public interest militating against the disclosure of such information.

present appeal be, and hereby is, remanded to OCP with instructions to provide, within seven (7) working days, a written response to this office, with a courtesy copy to the appellant, which addresses the following:

A brief explanation as to how D.C.-FOIA Exemptions 2 and 6 apply to the information redacted from the records responsive to the appellant's request **and** the public interest considerations which establish the need for withholding the redacted information, as required by 1 DCMR § 407.2(b) (June 2001).

OCP is further directed to provide a written certification to the Mayor via the General Counsel to the Mayor, with a copy to the Office of the Secretary, within ten (10) working days indicating its compliance with this decision or the reasons for noncompliance with any of the directives herein.

This constitutes the final decision of the Secretary of the District of Columbia in this matter.


SHERRYL HOBBS NEWMAN
SECRETARY OF THE DISTRICT OF COLUMBIA

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Wednesday, February 4, 2004

Wednesday, March 3, 2004

Wednesday, April 7, 2004

Wednesday, May 5, 2004

Wednesday, June 2, 2004

Wednesday, July 7, 2004

Wednesday, August 4, 2004

Wednesday, September 1, 2004

Wednesday, October 6, 2004

Wednesday, November 3, 2004

Wednesday, December 1, 2004

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