

3. Defendant District of Columbia Homeland Security and Emergency Management Agency (DC HSEMA) is a public body and a part of the government of the District of Columbia. Defendant has its principal place of business at 2720 Martin Luther King Jr. Avenue, SE, Washington, DC 20032. Defendant has possession, custody, and control of certain public records to which Plaintiff seeks access.

JURISDICTION

4. This action arises under the District of Columbia Freedom of Information Act, D.C. Code § 2-531, *et seq.* (“FOIA”).

5. This court has jurisdiction over the parties and subject matter pursuant to D.C. Code § 11-921.

STATEMENT OF FACTS

6. On August 9, 2010, Plaintiff sent a FOIA request to DC HSEMA, via Certified Mail, seeking access to the following public records, a true and correct copy of which is attached as Exhibit A and incorporated herein by reference:

1. Records describing the budget and budget allocations for D.C. Homeland Security and Emergency Management Agency (“DC HSEMA”)
2. Records and correspondence discussing existing or prospective funding sources, including any federal funds received or requested, for DC HSEMA.
3. Records detailing the number of employees and breakdowns of budgetary and salary information by position for DC HSEMA.
4. Records describing the number (if any) of federal intelligence officers deployed or expected to be deployed to DC HSEMA, and the cost, if any of such deployment to the District of Columbia.

5. Any audits performed on DC HSEMA, including the results of those audits;
6. Records specifically describing any budgetary allocations for information technology, network system management tools, and related services; and
7. Records describing information technology contracts and acquisitions, including the names of companies contracted with.

7. On August 10, 2010, Defendant received Plaintiff's FOIA request. See Exhibit B. Since that time, and despite inquiries by Plaintiff's attorney regarding the status of the request, Defendant has failed to produce responsive records or otherwise comply with Plaintiff's request.

8. Because Defendant failed to comply with Plaintiff's FOIA request within the time limits required by D.C. Code § 2-532(c), Plaintiff is deemed to have exhausted its administrative remedies pursuant to D.C. Code § 2-532(e).

COUNT I:
VIOLATION OF FOIA

9. This Count realleges and incorporates by reference all of the preceding paragraphs.

10. Defendant has violated FOIA by failing to produce records responsive to Plaintiff's August 9, 2010 FOIA request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Enjoin Defendant from continuing to withhold public records responsive to Plaintiff's August 9, 2010 FOIA request and otherwise order Defendant to produce the requested public records without further delay;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to D.C. Code § 2-537(c); and
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

Jeffrey L. Light
D.C. Bar #485360
1712 Eye St., NW
Suite 915
Washington, DC 20006
(202)277-6213

Counsel for Plaintiff

Exhibit A

August 9, 2010

BY CERTIFIED MAIL —

Robyn Johnson
Homeland Security and Emergency Management Agency
2720 Martin Luther King Jr., Ave., SE
Washington, DC 20032

RE: Freedom of Information Act Request

Ms. Johnson:

We submit this Freedom of Information request pursuant to the District of Columbia Freedom of Information Act, D.C. Code § 2-531, *et seq.*, on behalf of Bill of Rights Defense Committee, a nonprofit organization.

We respectfully request copies of all public records, as defined under D.C. Code § 2-502 (including, but not limited to, electronic records), for the period January 1, 2003 through the present, concerning the following:

1. Records describing the budget and budget allocations for D.C. Homeland Security and Emergency Management Agency (“DC HSEMA”)
2. Records and correspondence discussing existing or prospective funding sources, including any federal funds received or requested, for DC HSEMA.
3. Records detailing the number of employees and breakdowns of budgetary and salary information by position for DC HSEMA.
4. Records describing the number (if any) of federal intelligence officers deployed or expected to be deployed to DC HSEMA, and the cost, if any of such deployment to the District of Columbia.
5. Any audits performed on DC HSEMA, including the results of those audits;
6. Records specifically describing any budgetary allocations for information technology, network system management tools, and related services; and
7. Records describing information technology contracts and acquisitions, including the names of companies contracted with.

Request for a Public Interest Fee Waiver

According to D.C. Code § 2-532 a public agency shall waive any fee when “waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.” Under this provision, the Bill of Rights Defense Committee qualifies for a fee waiver for the requested material, which will contribute significantly to public understanding of the District’s public budgetary uses, intentions, and allocations. The Bill of Rights Defense Committee maintains no commercial or private interest in obtaining these records.

We ask to receive all documents responsive to our request in electronic format, whenever possible. If some or all of the responsive documents are available in digital form by e-mail, please send them to counsel for the Bill of Rights Defense Committee at jeffrey.light@yahoo.com.

If this request is denied in whole or in part, please justify all deletions by reference to exemptions of the statute. In addition, please release all segregable portions of otherwise exempt material.

Pursuant to D.C. Code § 2-532(c), we expect a response within fifteen business days of your receipt of the request. If you have any questions in processing this request, please do not hesitate to contact us at the above e-mail address. Thank you for your time and assistance in this matter.

Sincerely,

Jeffrey Light,
Counsel, Bill of Rights Defense Committee
1712 Eye St, NW
Suite 915
Washington, DC 20006
202-277-6213
Jeffrey.Light@yahoo.com

Exhibit B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

Robyn Johnson
Homeland Security and
Emergency Management Agency
2720 Martin Luther King, Jr. Ave. SE
Washington, DC 20032

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

* James White

- Agent
 Addressee

B. Received by / Printed Name

James White

C. Date of Delivery

8-18-10

D. Is delivery of this article restricted?
If YES, see delivery access below

- Yes
 No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Emv. Fee)

- Yes