

# The Association of Oldest Inhabitants of The District of Columbia

Established Dec. 7, 1865 – Celebrating our 150<sup>th</sup> year!

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January 13, 2015

Ms. Kathy Patterson, District of Columbia Auditor  
717 14th Street, NW  
Suite 900  
Washington, DC 20005

Dear Ms. Patterson:

First, let me congratulate you on your appointment as District of Columbia Auditor and state that it is reassuring to have you return to serve the residents of the District in your new capacity.

I am writing to you today to express our organization's ongoing concerns regarding the application and enforcement of the following (I have included more details below):

DC Municipal Regulations and DC Register, Title I, Chapter 15 (maintenance of public records)

The Public Records Management Act of 1985 (DC Law 6-19)

DC Code 2-1709 (relinquishment of public records to successors)

DC Code, Title 2, Chapter 17 (Responsibilities of the Office of Public Records)

Our interest in these regulations is couched in our continuing concern about the condition, maintenance and operation of the D.C. Archives located on Naylor Court. Since 2005, the AOI of DC together with many other organizations and individuals has been extremely concerned about what we refer to as the "plight of the District's historic records." These include: the DC Archives, the Recorder of Deeds, the Sumner School Museum & Archives, the Washingtoniana Division of the Martin Luther King, Jr. Memorial Library and the Kiplinger Research Library of the Historical Society of Washington, D.C. Since 2005 we have also attempted to monitor the historic holdings of Ddot and the Office of Surveyor. The collections, documents and artifacts that are held in these repositories represent more than 214 years of our city's history and their preservation requires the attention of our public leaders.

In the spring of 2006, former Acting Archivist of the United States Trudy Peterson and I met with representatives of the District of Columbia Auditor to bring to their attention the importance of the enforcement of the statutes governing the handling and retention of public records. Trudy and I were both somewhat surprised to learn that these

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regulations were relative unknown to the Auditor's staff; however, having brought this to their attention, they said they would incorporate adherence to the regulations as part of their periodic audits and reviews. We can only assume that abiding by these regulations was somehow incorporated into reviews as promised.

Now, 10 years later these issues are still foremost on our minds as a large appropriation has been put forth by past Mayor Vincent Gray and approved by the D.C. Council to expend more than \$40 million to build a new D.C. Archive facility and to staff and administer it to the highest standards required to meeting 21<sup>st</sup> century accepted standards for document collection, control, retention, preservation and accessibility in all formats (paper, digital, electronic). With the change in the District's leadership, we do not want this important capital project (and the positive impact it will have with adherence to the aforementioned statutes) to be lost to address some budget shortfall.

We believe that by having the Auditor of the District of Columbia "on board" with this important issue, it will bring the significance of this project to the attention of affected agencies under Mayor Bowser's control and the purview of the D.C. Council and demonstrate that another oversight agency is concerned about the enforcement of record retention regulations. An organization that the AOI of DC is in partnership with – the Friends of the DC Archives – is meeting with newly-elected Attorney General Racine to call to his attention these same concerns and, of course, also with the newly appointed Secretary of the District Lauren Vaughn.

On behalf of the AOI of DC and the Friends of the D.C. Archives, I hope you have found this information enlightening and/or instructive and that you will do what you are able to help ensure the enforcement of the regulations and advocate for building and operating a new D.C. Archives facility.

If you should have any questions or would like to meet with us, please do not hesitate to contact me.

Sincerely,



William N. Brown, President

Cc: Council Chair Phil Mendelson  
Secretary of the District Lauren Vaughn  
Attorney General Karl Racine  
Friends of the D.C. Archives

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## Summary of Laws Governing the Office of Public Records (Provided by the Friends of the DC Archives web site – [friendsofdcarchives.org](http://friendsofdcarchives.org))

**[The Public Records Management Act of 1985](#)** (DC Law 6-19) included all media in its definition of "public records":

*Any document, book, photographic image, electronic data recording, electronic mail, paper, video recording, sound recording, microfilm, computer disk, or other material, regardless of physical form or characteristic, that documents a transaction or activity made, received, or retained pursuant to law or in connection with the transaction of public business by or with any officer or employee of the District. The medium upon which such information is recorded shall have no bearing on the determination of whether the record is a public record.*

Mayor's Order 86-28 established the Office of Public Records Management, Archival Administration and Library of Government Information (Office of Public Records) in the Office of the Secretary on February 11, 1986, in accordance with the Public Records Management Act, to collect and preserve the history of the District government.

**[DC Code 2-1709](#)** requires elected and appointed officials to relinquish public records to their successors or administrators:

(a) On or before the expiration of the term of office of an elected or appointed official, all public records, books, writings, and letters in the custody of the official shall be promptly transmitted or relinquished to the official's successor or, if there is none, to the Administrator.

(b) *Any official who maliciously destroys, defaces, or removes any public record, as defined by this chapter, shall be subject to the penalties established in section 14.* [Note: section 14 of the [Public Records Management Act](#) establishes that this action could lead to civil action.]

**[DC Code, Title 2, Chapter 17](#)**, establishes the responsibilities of the Office of Public Records and its divisions -- Public Records Center, D.C. Archives, and Library of Government Information

**[DC Municipal Regulations and DC Register, Title 1, Chapter 15](#)** establishes procedures for each agency to maintain its records.

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