**From:** Turner, Joshua (OAG)
**To:** Tom Donohue
**Subject:** Re: ANC8A Matters with ANC Commissioner Holly Muhammad
**Date:** Tuesday, February 1, 2022 5:02:56 PM

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Good afternoon Mr. Donohue,

This appears to be a matter for which the enforcement power would lie with other District government bodies rather than with this Office. If the Chair is continuing to eject you from public meetings without ANC approval (*see* this letter we recently issued on a similar question: https://oag.dc.gov/sites/default/files/2021-11/ANC-2A01-Letter-re-Commissioners-Speaking-in-ANC-Meetings-.pdf), you should contact the Board of Ethics and Government Accountability. Concerns about the conduct of an ANC Chair should also be brought to the other members of the ANC, since each ANC has the power to take appropriate action by a majority vote of its members.

Thanks very much,

Joshua A. Turner
Assistant Attorney General
Legal Counsel Division
Office of the Attorney General for the District of Columbia
1350 Pennsylvania Avenue NW
Washington, D.C. 20004
Office Phone: 202-442-9834
(Working remotely due to the COVID-19 pandemic)

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**From:** Tom Donohue <tom@tmdenterprises.us>
**Sent:** Tuesday, February 1, 2022 2:39 PM
**To:** Turner, Joshua (OAG) <joshua.turner3@dc.gov>
**Subject:** Re: ANC8A Matters with ANC Commissioner Holly Muhammad

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Josh any update on whether Ms. Muhammad will be held accountable?

Tom

Sent from my iPhone

> On Dec 8, 2021, at 4:16 PM, Turner, Joshua (OAG) <joshua.turner3@dc.gov> wrote:

Good afternoon Mr. Donohue,

Thanks very much for passing this update on to us. As with your previous letter, we will review.

Sincerely,

Joshua A. Turner
Assistant Attorney General
Legal Counsel Division
Office of the Attorney General for the District of Columbia
1350 Pennsylvania Avenue NW
Washington, D.C. 20004
Office Phone: 202-442-9834
(Working remotely due to the COVID-19 pandemic)

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**From:** Tom Donohue <tom@tmdenterprises.us>
**Sent:** Wednesday, December 8, 2021 8:17 AM
**To:** Racine, Karl (OAG) <Karl.Racine@dc.gov>; Swaruup, Vikram (OAG) <Vikram.Swaruup@dc.gov>; Greenwood, Ashita (OAG) <Ashita.Greenwood@dc.gov>
**Cc:** Downs, Jason (OAG) <Jason.Downs@dc.gov>; Mendelson, Phil (COUNCIL) <PMENDELSON@DCCOUNCIL.US>
**Subject:** RE: ANC8A Matters with ANC Commissioner Holly Muhammad

Some people who received this message don't often get email from tom@tmdenterprises.us. Learn why this is important

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Good Evening,

I would like to update everyone to what occurred this evening during our ANC Meeting. This evening I was ejected 6 times from our ANC Meeting. I entered the meeting each time (I had to make up an email address each time in order to regain access) Each time Ms. Muhammad, (the host) ejected me without my having said one single thing. In fact during this meeting, Ms. Muhammad no longer permitted the chat option she only permitted those who raised their hand to and whom she decided to speak be involved. I eventually was left to watch the remaining part of the meeting after my last attempt to enter the meeting was left alone. I assume she got frustrated that I kept coming back using a different email address I made us under my company domain and just let me stay in however, unlike all the other times, she restricted who could speak instead of having a chat box you had to raise your hand and she decided

who to pick to allow to speak. She also never had any open forum like usual to allow citizens to have import or announce upcoming events etc. You can see the meeting here where she ejected me several times - https://tmdenterprises.wistia.com/medias/f3g1e3xhe5

Please help.

Tom

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**From:** Tom Donohue
**Sent:** Monday, November 29, 2021 3:57 AM
**To:** Racine, Karl (OAG) <Karl.Racine@dc.gov>; Swaruup, Vikram (OAG) <Vikram.Swaruup@dc.gov>; Greenwood, Ashita (OAG) <Ashita.Greenwood@dc.gov>
**Cc:** Downs, Jason (OAG) <Jason.Downs@dc.gov>; Phil Mendelson <pmendelson@dccouncil.us>
**Subject:** ANC8A Matters with ANC Commissioner Holly Muhammad

November 28, 2021
Via Email

Karl A. Racine
Attorney General Office of the Attorney General for the District of Columbia
1350 Pennsylvania Ave NW,
Suite 409
Washington, DC 20004

Mr. Attorney General,

This is my final attempt to resolve these matters prior to obtaining counsel. I would like to stress that I have no interest in bringing any legal motion against any entity of the district however in order to resolve these matters I will have no choice as I have exhausted all avenues to obtain and bring closure to these matters. I'm very hopeful your office will be able to assist.

On July 13, 2021 ANC8A01 Chairwoman Holly Muhammad ejected me from our monthly ANC meeting after I echoed concerns in the meetings chat how Ms. Muhammad needed to give her fellow commissioner the appropriate access in order for her to have a voice in the matter they were discussing at the time. Without warning, discussion or cause Ms. Muhammad ejected me from the zoom meeting, by doing this this action also prevented me from returning to the meeting where I had planned on (I had even emailed this to Ms. Muhammad to cover in case I was unable to attend the meeting) covering two matters of concern which included lighting under the overpass that leads to Anacostia Park, (This will become relevant later). Immediately upon realizing I had been ejected from the meeting I wrote a request to the ANC Executive Director, Gottlieb Simon and I copied each of the ANC's immediately requesting the "preservation of this evenings ANC8A meeting which was conducted via the Zoom platform and lead by my ANC Commissioner and Chairwoman Holly Muhmmad." I went on to request, " I call upon your office investigate

this matter immediately and a copy of the recording and chat session from tonight's meeting be delivered via email at the earliest convenience. I'd also like to see if Commissioner Muhammad covered any of the topics which I asked her to review earlier in the week via email."

This request sparked a back and forth between Ms. Muhammad and myself in which she makes false claims that I am associated with the proud boys of Charlottesville and where she directs me to no longer contact her, she copies MPD 6D representatives in an attempt to intimidate me saying, "You don't dictate to me. I don't take instructions from the Proud Boys from Charlottesville. Don't email me again." In another email she informs me "I AM NOT YOUR NEGRO".

On July 21, 2021, I sent a second FOIA request directly to Ms. Muhammad among other things I requested she provide me with a copy of the recoding of the ANC Meeting which she ejected me from along with the chat dialogue. This and all FOIA requests have been ignored to this day.

At this point I decided to take action to inform my neighbors and to request they consider whether this behavior would rise to the level where Ms. Muhammad should be removed from office.

November 28, 2021

On July 23, 2021 I filed notice of intent to recall with the DC Board of Elections. Within this notice I described the job related causes I would request my neighbors consider when supporting my attempt to have Ms. Muhammad recalled from her elected position. On August 4, 2021 I received Ms. Muhammad's response to my recall notification from Jack Gilmore, Attorney Advisor of the DC Board of Elections. In her response, Ms. Muhammad chooses to attack me personally with lies intended to turn my fellow black neighbors against me.

> "Tom Donahue has been threatening, harassing, and disrespecting me since he moved into this neighborhood His words and conduct toward me is that of a racist, bully and misogynist
> On the eve of election night, he charged at me in a threatening manner yelling that he was going to challenge me He recently threatened to expose my fellow Commissioners to the media if they did not support his recall petition. He has been keeping my neighbors under illegal surveillance with his cameras making racist remarks about who enters their homes"

At no point within her 198 words does she address any of my job-related concerns which I base my request for the recall. Rather she decides to attack me personally claiming falsehoods intended to discredit me and to create doubt with our neighbors, the very neighbors who would be considering signing the recall. Additionally, the information she provided would also become a matter of public record. By doing this any search attempt using my name could provide her response as a matter of record that could follow me forever and without context or discussion it could play a role in decision making for future jobs or any future political ambitions I may have in the future. I shared these concerns at the Board of Elections Meeting on August 26, 2021. The petition has been tabled in hopes to seek legal guidance No one would want any of the lies that Holly has put on that petition associated with them. A simple search now or in the future of my name could result in a negative opinion being formed about me especially without context.

On August 14, 2021, I filed an appeal with Alana Burnett, Executive office of the Mayor as each request FOIA request had been ignored. On November 15, 2021 I received a letter from the Mayor's office of Legal Counsel saying that since the Office of the ANC responded as a result of their inquiry that the obligation of the district had been fulfilled saying "OANC responded to your appeal on September 20, 2021, and stated that it "does not have responsibility for fulfilling DC FOIA requests of ANC records, although [it] will carry out FOIA Officer responsibilities upon request from the affected ANC." The Office also informed you that it had not received such a request for assistance from ANC 8A in connection with your DC FOIA request." It went on to say "While DC FOIA does indeed apply to Advisory Neighborhood Commissions, as they are public bodies of the District Government, an agency is not required to seek out responsive records that are outside of its possession or control."

I reject this explanation as from my understanding a simple request could have been made to the Office of the Chief Technology Officer, or OCTO to search ANC 8A's government-hosted email accounts for emails responsive to my request. This was never offered. Ms. Muhammad has since ejected me from another meeting, blocked my ability from obtaining information on when the meeting is and what the url is to obtain access, in fact she has gone as far as to block my email from permitting the Zoom system from even allowing me to enter the meeting or even request the information necessary to join the meeting. Not only has Ms. Muhammad refused to comply with two FOIA requests, but she has also

blocked my ability to report matters from within my neighborhood. Important matters this takes me back to my business I wanted to share with the ANC lights under the underpass which lead to Anacostia Park continued to be out I wanted to address this as walking under the bridge was dark. Sadly, on October 21, 2021 Sharon Robinson, a homeless woman was shot and killed in the immediate vicinity of the overpasses. One will never know whether action on my concern would have prompted the lighting to be fixed and changing a dark area to now be lit enough to prevent such a tragedy.

November 28, 2021

I registered to vote and I voted. I didn't vote for Ms. Muhammad however she still represents me. As a result, Ms. Muhammad no longer (nor do I feel she ever wanted to) represent me. I want to recall her because she called me a proud boy of Charlottesville, she demanded me to no longer contact her, she told me she was not my Negro. No one would want to be represented by someone who says such things. Furthermore, through this process she has given me more reasons like the refusal to respond to my FOIA request, he ejecting me from ANC meetings her blocking me so I could not know when and how to attend my ANC meetings. Looking forward I have no idea how long she plans to block me from attending these meetings I have a right to attend.

Mr. Racine, I ask that you take whatever steps you are afforded by law to address this matter. I believe she has and will continue to stomp on my constitutional rights. Nothing in the very oath she swore to protect gives her the right to do what she has and continues to do. I ask that you please respond with as much urgency as you can so I can begin attending my ANC Meetings and so I can hold her accountable.

Lastly an unknown man delivered flyers labeling me a scammer and that I bully females and they placed them all around my neighborhood, not that it should be relevant but I'm gay, I don't have any issues with women however upon reminding me a neighbor reminded me that Holly used the word bully in her response to my recall. It is the only time I have been ever accused of being a bully and find it suspect that bullying was used on this flyer. I don't know to what degree this can be investigated however I will not be intimidated by politics.

I write to ask for your help, I frankly don't know whether you are able to assist however please please know that I am at the end of my resources on whom to reach out to. My Councilman of Ward 8 along with each at large member has been notified of this matter and have not responded indicating to me that I am on my own with this. I'm not sure how to file in Superior Court to force her to comply with the FOIA request however after giving your office a chance to assist if that effort bears no fruit, then I will be forced to obtain legal counsel and move forward with the court system. I would most definitely prefer not having to do that however Ms. Muhammad needs to not only be checked she needs to be held accountable.

Thank you for your time in this matter, I do ask that I receive some sort of response within seven business days to know you have at the very least reviewed this letter. I look forward that you'll sense my distress and offer whatever assistance you can. I thank you in advance for any time you or your staff assists, and I hope for a positive resolution.

Very respectfully,
Tom Donohue
Owner, TMD Enterprises
Ward 8 Resident

PS, Ms. Muhammad also has me blocked on all forms of social media where she shares information pertaining to her single member district.