



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- DC Council passes Act 19-661, District of Columbia Flood Assistance Fund Act of 2012
- DC Council passes Act 19-667, Uniform Commercial Code Revision Act of 2012
- DC Council passes Act 19-668, Workplace Fraud Amendment Act of 2012
- DC Council schedules a public hearing on Safety in Taxicabs
- Board of Ethics and Government Accountability establishes guidelines for registration of lobbyists
- Office of the State Superintendent of Education announces funding availability for the FY 2013 Teacher Quality Improvement Grant Program
- Board of Ethics and Government Accountability publishes Lobbyist Registration Forms

# DISTRICT OF COLUMBIA REGISTER

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## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-661

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2013Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

To establish the Flood Assistance Fund Program, the District of Columbia Flood Assistance Fund, and an associated assessment to reimburse District residents for costs related to property damage caused by a sewer-line backup, and to require the Flood Assistance Fund Program to submit a quarterly report to the Council detailing the claims submitted to and reimbursed by the program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Flood Assistance Fund Act of 2012".

## Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authority" means the District of Columbia Water and Sewer Authority established pursuant to section 202(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02(a)).

(2) "Backwater valve" means a device installed in a building drain or branch of a building drain that prevents the backflow of water and sewage into the building's drainage system.

(3) "District of Columbia Flood Assistance Fund" or "Fund" means the District of Columbia Flood Assistance Fund established in section 4.

(4) "Personal property" means movable property not affixed to land, including goods, wares, merchandise, and household items and furnishings.

(5) "Program" means the Flood Assistance Fund Program established in section 3.

(6) "Property owner" means the owner of residential property or nonresidential property located within the District of Columbia or the owner of personal property, as defined in this section, housed within the District of Columbia.

(7) "Sewer" shall have the same meaning as provided in section 201(9) of the Water and Sewer Authority Establishment and Department of Public Work Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.01(9)).

(8) "Sewer-line backup" means a wastewater backup into a building, which

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is caused by blockages, flow conditions, or malfunctions within the sewer system. The term "sewer-line backup" does not include wastewater backups resulting from flow conditions caused by overland flooding or blockages, flow conditions, or malfunctions of a private sewer lateral or internal building plumbing.

Sec. 3. Flood Assistance Fund Program.

(a) Within 45 days of the effective date of this act, the Mayor shall establish a Flood Assistance Fund Program to reimburse District property owners for damage to personal property and residential property caused directly and exclusively by sewer-line backups that occurred during the time period established in subsection (b)(2)(C) of this section. The Program shall manage the District of Columbia Flood Assistance Fund established in section 4. The Mayor shall designate a Flood Assistance Fund Manager to oversee the Program.

(b)(1) The Flood Assistance Fund Manager shall:

- (A) Coordinate with the Authority to determine eligibility requirements for property owners seeking reimbursement through the Flood Assistance Fund;
- (B) Contract with a third party outside the District government to examine and evaluate the property damage for which a District property owner is seeking reimbursement;
- (C) Establish the qualifications of the third party to evaluate property damage caused by sewer-line backup;
- (D) Establish the criteria the third party shall use to evaluate the damage of a property;
- (E) Inform District property owners and renters of the establishment of the Fund within 45 days of the effective date of this act;
- (F) Create a process to receive and administer claims submitted by District property owners seeking reimbursement through the Fund;
- (G) Establish additional Program requirements as needed; provided, that a property owner's mitigation of the property owner's damage is considered as a requirement; and
- (H) Coordinate with the Authority to establish a flood assistance fund fee; provided, that the fee shall not exceed \$0.30 per Equivalent Residential Unit per month.

(2) In determining whether a residential property owner shall be eligible for reimbursement through the Program, the Flood Assistance Fund Manager shall require the property owner to establish:

- (A) That the property owner owns or rents residential property in the District of Columbia;
- (B) That all damage to the residential property described in subparagraph (A) of this paragraph or to personal property housed within the residential property described in subparagraph (A) of this paragraph, for which the property owner is

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seeking reimbursement, was caused directly and exclusively by a sewer-line backup;

(C) That the sewer-line backup occurred:

(i) After the effective date of this act; or

(ii) Between June 1, 2012 and the effective date of this act;

provided, that the property owner submitted a claim to the Authority seeking reimbursement for property damage related to a sewer-line backup and the claim has not been resolved by the Authority, or the property owner has documentation of property damage related to a sewer-line backup that occurred during this time period, which the Program considers sufficient to evaluate for the purposes of eligibility for reimbursement; and

(D) That the property owner contacted the Program, in a manner prescribed by the Flood Assistance Fund Manager, or notified the Authority about a sewer-line backup within 48 hours of becoming aware of the damage to the property described in subparagraphs (A) and (B) of this paragraph.

(3) A property owner submitting a claim pursuant to paragraph (2)(C)(ii) of this subsection shall submit the claim no later than 6 months after the effective date of this act.

(4) In determining whether a property owner shall be eligible for reimbursement through the Program, the Flood Assistance Fund Manager shall consider the evaluation of the third party established in paragraph (1)(B) of this subsection.

(5) The Flood Assistance Fund Manager shall establish eligibility requirements, which shall be submitted to the Council for a 45-day period review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove by resolution the requirements within the 45-day period of review, the requirements shall be deemed approved.

(6) In executing the process to receive and administer claims submitted by District property owners, the Flood Assistance Fund Manager shall:

(A) Make an eligibility determination within 30 days of receipt of a claim for reimbursement;

(B) Notify a property owner, in writing, of the owner's eligibility for reimbursement through the Fund within 7 days of the determination;

(C) Manage the payment of individual claims reimbursed pursuant to this section; and

(D) Remit payment to a property owner within 45 days of issuing a determination that the property owner's claim has been deemed eligible for reimbursement.

(c) The Program shall submit a quarterly report to the Mayor and the Council which, at a minimum, shall include:

(1) The number of claims submitted;

(2) The geographic distribution of claims submitted and paid;

(3) The type of damage compensated by claims paid;

(4) The processing time for claims and disbursements;

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- (5) The total dollar amount of claims paid;
- (6) The Flood Assistance Fund balance; and
- (7) Administrative costs of operating the program.

(d) An action to recover for property damage may not be maintained against the District of Columbia or the Authority by a property owner who submits a claim pursuant to this section and is reimbursed through the Fund for the claim.

(e) Nothing in this section shall be construed to exclude from eligibility for the Program, a District property that is not in compliance with section P3008 of the 2006 International Residential Code or section 715 of the 2006 International Plumbing Code; provided, that upon receiving reimbursement through the Fund, a residential property owner shall install a backwater valve, pursuant to section P3008 of the 2006 International Residential Code and section 715 of the 2006 International Plumbing Code.

(f) No new rights or entitlements are created by this act.

#### Sec. 4. District of Columbia Flood Assistance Fund.

(a)(1) There is established as a nonlapsing fund the District of Columbia Flood Assistance Fund ("Fund"), which shall be used solely for the purposes stated in subsection (b) of this section. The Fund shall be funded by a flood assistance fund fee, established by the Flood Assistance Fund Manager pursuant to section 3. All funds collected from the fee defined in paragraph (3) of this subsection shall be deposited into the Fund and shall be disbursed by the Flood Assistance Fund Manager.

(2) Within 45 days of the effective date of this act, the Mayor shall transmit to the Council a proposed budget for the Fund.

(3) The Authority shall collect a flood assistance fund fee in an amount not to exceed \$0.30 per Equivalent Residential Unit per month from each property in the District; provided, that the fee shall not apply to District-owned properties or ratepayers enrolled in the Authority's Customer Assistance Program.

(4) All funds deposited into the Fund, and any interest earned on the funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation until September 30, 2014, subject to authorization by Congress.

(b)(1) The money in the Fund shall be used solely:

(A) To reimburse District property owners and renters whose personal property or residential property sustained damage as a result of a sewer-line backup pursuant to section 3; and

(B) To allow the Authority to recover the actual administrative costs associated with collecting the fee on the District's behalf.

(2)(A) Pursuant to paragraph (1)(A) of this subsection, the damage to the residential property or the personal property must have been sustained during the time



## ENROLLED ORIGINAL

period established in section 3(b)(2)(C); and

(B) The damage to the residential property or the personal property is not otherwise covered by an insurance policy.

(c) If, at the beginning of a fiscal year, the fund balance of the Fund exceeds the projected annual cost of all programs pursuant to subsection (b) of this section in that fiscal year by at least \$1 million, the Flood Assistance Fund Manager shall suspend payment and the collection of the fee defined in subsection (a)(3) of this section, until the excess is estimated by the Flood Assistance Fund Manager to be under \$500,000.

(d) If, upon the expiration of this act, there is a balance in the Fund, the excess funds shall be refunded back to the Authority's customers who have paid the fee pursuant to subsection (a)(3) of this section.

#### Sec. 5. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

#### Sec. 6. Sunset.

This act shall expire on September 30, 2014.

#### Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

#### Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
February 4, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-662

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To establish a certification program to ensure the accuracy of reported recycling rates for construction and demolition projects seeking credit under the terms of the Green Building Act of 2006, a similar certification system, or the construction codes, to delegate certification authority to the District Department of the Environment, to authorize the District Department of the Environment to assess fees, to grant rulemaking authority over the certification program to the Mayor, to grant certification revocation authority to the Mayor, to direct the District Department of the Environment to set penalties for noncompliance with the act and rules promulgated by the Mayor, and to establish the Construction and Demolition Waste Recycling Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Construction and Demolition Waste Recycling Accountability Act of 2012".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Certified facility" means a waste disposal or materials recovery facility that the Department verifies as reporting accurate, transparent, reliable, and auditable waste recovery, use, and recycling rates pursuant to section 3.

(2) "Construction and demolition waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, pavements, and other structures.

(3) "Department" means the District Department of the Environment.

(4) "Person" means an individual, business, or entity that transports or disposes of construction and demolition waste for commercial purposes, or contracts with another party for the transport or disposal of construction and demolition waste. "Person" shall not include residential property owners who generate construction and demolition waste while performing construction and demolition projects at their personal residence and transport the waste in their own vehicles.

(5) "Recycling" means a resource recovery method that involves the collection and treatment of waste material that can be reprocessed and returned to the

## ENROLLED ORIGINAL

economic mainstream as raw material or products. "Recycling" shall not include salvaging or reusing building materials.

Sec. 3. Certification.

(a) On or before July 1, 2014, the Department shall establish procedures to certify that construction and demolition waste disposal or materials recovery facilities provide accurate, transparent, reliable, and auditable information about waste recovery, use, and recycling rates.

(b) The Department shall publish a list on its website identifying certified facilities.

(c) The Department may assess fees on waste disposal and materials recovery facilities to recover the costs of developing and administering the certification program.

(d) The Department of Consumer and Regulatory Affairs shall determine whether an entity seeking credit for recycling construction and demolition waste has satisfied the requirements of section 4(a) and (b).

Sec. 4. Construction and demolition recycling accountability.

(a) Beginning 60 days after the Department gives public notice that it has certified at least 4 construction and demolition waste facilities, persons seeking credit for recycling construction and demolition waste under the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*) ("Green Building Act"), a similar certification system, or the construction codes shall use a certified facility for waste disposal or materials recovery; provided, that persons who transfer construction and demolition waste to a facility before the Department issues public notice of the certification of at least 4 construction and demolition waste facilities shall be exempt from compliance with this section.

(b) Credit shall not be applied toward compliance with the Green Building Act, a similar certification system, or the construction codes for construction and demolition waste transferred to an uncertified facility.

(c) The requirement to use a certified facility shall not apply to salvaged or deconstructed building materials intended for reuse and transported to a facility for storage and processing before reuse.

Sec. 5. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 6. Revocation.

The Mayor may remove a facility from the list of certified facilities if it is found to be in violation of rules promulgated by the Mayor for certified facilities.

## ENROLLED ORIGINAL

## Sec. 7. Penalties.

(a) The Department shall determine the structure for penalties issued to persons for violations of this act and rules promulgated by the Mayor pursuant to section 5, and the Department shall publish notice of the fine schedule and any periodic updates.

(b) The Department may assess a fine, as set forth in regulations, on a person pursuant to subsection (a) of this section.

## Sec. 8. Construction and Demolition Waste Recycling Fund.

(a) There is established as a nonlapsing, special purpose revenue fund the Construction and Demolition Waste Recycling Fund ("Fund"). The Fund shall be administered by the Director of the Department and used to develop, promote, and implement the certification program required under section 3.

(b) Revenue obtained from the Department's certification program for waste disposal and materials recovery facilities, including fees assessed under section 3 and fines collected under section 7, shall be deposited into the Fund as of the effective date of this act.

(c) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

## Sec. 9. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

## Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 11. Effective date.

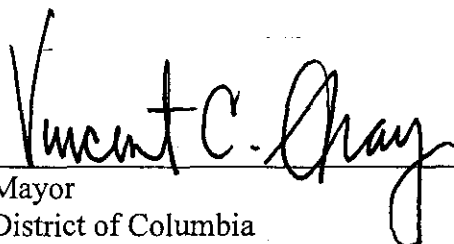
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 31, 2013

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-663

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 4, 2013Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

To amend the Firearms Control Regulations Act of 1975 to revise the definition of “restricted pistol bullet,” to align the fines with the Criminal Fine Proportionality Amendment Act of 2012, to remove the knowledge requirement for the offense of possession of restricted pistol bullets, to create a new offense of possession of a single restricted pistol bullet, and to provide for, in the discretion of the prosecution, the option of an administrative disposition to resolve the offenses of possession of an unregistered firearm, unlawful possession of ammunition, and possession of a single restricted pistol bullet.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Administrative Disposition for Weapons Offenses Amendment Act of 2012”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

Amend  
§ 7-2501.01

(a) Section 101(13A) (D.C. Official Code § 7-2501.01(13A)) is amended to read as follows:

“(13A)(A) “Restricted pistol bullet” means:

“(i) A projectile or projectile core which may be used in a pistol and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;

“(ii) A full jacketed projectile larger than .22 caliber designed and intended for use in a pistol and whose jacket has a weight of more than 25% of the total weight of the projectile; or

“(iii) Ammunition for a .50 BMG rifle.

“(B) The term “restricted pistol bullet” does not include:

“(i) Shotgun shot required by federal or state environmental or game regulations for hunting purposes;

“(ii) A frangible projectile designed for target shooting;

“(iii) A projectile which the Attorney General of the United States finds is primarily intended to be used for sporting purposes; or

“(iv) Any other projectile or projectile core which the

## ENROLLED ORIGINAL

Attorney General of the United States finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.”

(b) Section 502(b) (D.C. Official Code § 7-2505.02(b)) is amended by striking the phrase “restricted pistol bullets” wherever it appears and inserting the phrase “one or more restricted pistol bullets” in its place.

Amend  
§ 7-2505.02

(c) Section 601(a)(3) (D.C. Official Code § 7-2506.01(a)(3)) is amended by striking the phrase “possess restricted” and inserting the phrase “possess one or more restricted” in its place.

Amend  
§ 7-2506.01

(d) Section 706 (D.C. Official Code § 7-2507.06) is amended as follows:

Amend  
§ 7-2507.06

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Paragraph (1) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(C) Paragraph (2) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(D) Paragraph (3) is amended as follows:

(i) The existing text is designated as subparagraph (A).

(ii) The newly designated subparagraph (A) is amended as

follows:

(I) Strike the phrase “knowingly possessing restricted pistol bullets in violation of section 601(3)” and insert the phrase “possessing more than one restricted pistol bullet in violation of section 601(a)(3)” in its place.

(II) Strike the phrase “an amount not to exceed \$10,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(iii) A new subparagraph (B) is added to read as follows:



## ENROLLED ORIGINAL

“(B) A person convicted of possessing a single restricted pistol bullet in violation of section 601(a)(3) shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2<sup>nd</sup> reading on November 1, 2012 (Enrolled version of Bill 19-214) or imprisoned for not more than 1 year, or both.”.

(3) A new subsection (b) is added to read as follows:

“(b)(1) For the following violations of this act, the prosecution may, in the operation of its discretion, offer an administrative disposition whereby a person may immediately resolve his or her case upon payment of a fine, in an amount set by the Board of Judges of the Superior Court of the District of Columbia; provided, that the person is not concurrently charged with another criminal offense arising from the same event, other than an offense pursuant to section 201 or 601:

“(A) Possession of an unregistered firearm pursuant to section 201;

“(B) Unlawful possession of ammunition (but not possession of more than one restricted pistol bullet) pursuant to section 601; and

“(C) Possession of a single restricted pistol bullet pursuant to section 706(a)(3)(B); provided, that the person did not also possess a firearm at the time of arrest.

“(2) In determining whether to offer an administrative disposition pursuant to this subsection, the prosecution, in the operation of its discretion, may consider, among other factors, whether at the time of his or her arrest, the person was a resident of the District of Columbia and whether the person had knowledge of section 201, 601, or 706(a)(3)(B).

“(3) An administrative disposition pursuant to this subsection is not a conviction of a crime and shall not be equated to a criminal conviction. The fact that a person resolved a charge through an administrative disposition pursuant to this subsection may not be relied upon by any court of the District of Columbia or any agency of the District of Columbia in any subsequent criminal, civil, or administrative proceeding or administrative action to impose any sanction, penalty, enhanced sentence, or civil disability.

“(4) At the time of the prosecution’s offer of an administrative disposition, the person may elect to proceed with the criminal case in lieu of an administrative disposition.

“(5) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subsection. The rules may provide procedures and criteria to be used in determining when the prosecution, in the operation of its discretion, may offer the option of an administrative disposition pursuant to this subsection.”.

### Sec. 3. Fiscal impact statement.

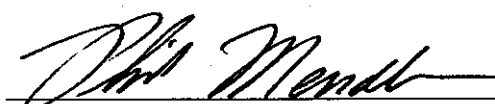
The Council adopts the December 17, 2012 fiscal impact statement of the Budget

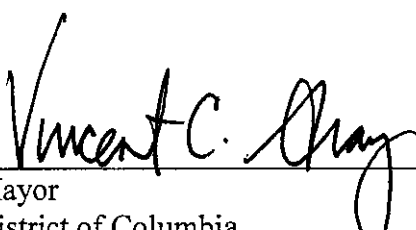
ENROLLED ORIGINAL

Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 4, 2013

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-664

Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013

To amend, on a temporary basis, section 47-1086 of the District of Columbia Official Code to restore the applicability provision of the real-property-tax exemption granted to the United House of Prayer for All People.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "United House of Prayer for All People Real Property Tax Exemption Technical Temporary Act of 2013".

Sec. 2. Section 47-1086 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

Note,  
§ 47-1086

"(c) This section shall apply as of March 1, 2011."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

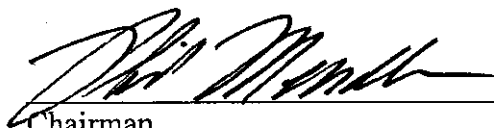
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

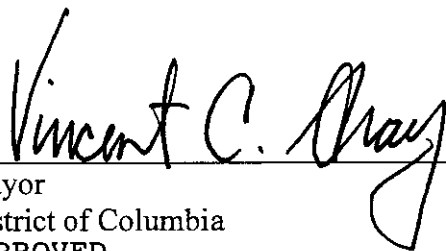
ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 31, 2013

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-665

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

To amend, on a temporary basis, section 47-4654 of the District of Columbia Official Code to extend the real property exemption of certain properties owned by Beulah Baptist Church of Deanwood Heights, the Beulah Community Improvement Association, and the Dix Street Corridor Senior Housing, LP, from September 30, 2010 through September 30, 2020.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Beulah Baptist Church Real Property Equitable Tax Relief Temporary Act of 2013".

Sec. 2. Section 47-4654(d) of the District of Columbia Official Code is amended by striking the phrase "September 30, 2010." and inserting the phrase "September 30, 2020, and any real property taxes, interest, penalties, fees, or other related charges assessed, as of the effective date of the Beulah Baptist Church Real Property Equitable Tax Relief Temporary Act of 2013, passed on 2<sup>nd</sup> reading on January 8, 2013 ( Enrolled version of Bill 19-1099), against this real property with respect to this period are forgiven and any payment already made shall be refunded." in its place.

Note,  
§ 47-4654

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

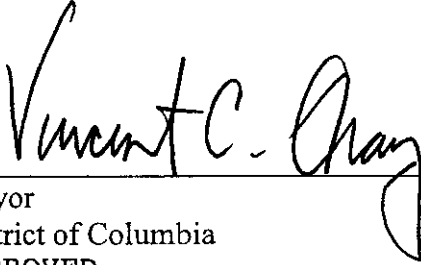
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

ENROLLED ORIGINAL

(b) This act shall expire after 225 days of its having taken effect, and no later than September 30, 2013.

  
Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 31, 2013

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-666

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 5, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To amend the Procurement Practices Reform Act of 2010 to expand the causes for debarment or suspension, to ban permanently a person who has twice been debarred from contracting with the District, to establish an Excluded Parties List that includes the names of persons and affiliates currently debarred or suspended from contracting with the District, to require monthly maintenance and publication of the Excluded Parties List, and to require review of the Excluded Parties List before bid consideration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bad Actor Debarment and Suspension Amendment Act of 2012".

Sec. 2. Section 907 of the Procurement Practices Reform Act of 2010, approved April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.07), is amended as follows:

Amend  
 § 2-359.07

(a) Subsection (c) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase "title; or" and inserting the phrase "title;" in its place.

(2) Paragraph (6)(B) is amended by striking the phrase "debarment; or" and inserting the phrase "debarment;" in its place.

(3) Paragraph (7) is amended by striking the phrase "rules." and inserting the phrase "rules; or" in its place.

(4) A new paragraph (8) is added to read as follows:

"(8) Submission of a bid or proposal to contract with an agency or office of the District by a person debarred or suspended pursuant to a conviction under subsection (c)(1), (2), or (3) of this section, unless the CPO has provided in the submission a written statement to the Chairman of the Council of the compelling reasons to consider the bid or proposal. A second debarment resulting from the submission of a bid or proposal by a debarred person shall result in a permanent debarment pursuant to subsection (k) of this section."

(b) New subsections (j) and (k) are added to read as follows:

## ENROLLED ORIGINAL

“(j)(1) The Office of Contracting and Procurement shall compile and maintain a list of persons who have been debarred or suspended in the District to be known as the “Excluded Parties List,” which shall include:

“(A) The name and phone number of the OCP official responsible for maintaining the list;

“(B) The names and addresses of suspended and debarred persons;

“(C) The name of the agency that instituted the suspension or debarment;

“(D) The cause of the suspension or debarment; and

“(E) The dates and terms of each suspension or debarment.

“(2)(A) The Excluded Parties List shall be updated monthly and prominently published on the OCP's website.

“(B) Copies of the Excluded Parties List shall be distributed electronically to District contracting officers and contract administrators on a monthly basis.

“(C)(i) Bids or proposals received from a person named on the Excluded Parties List shall be rejected unless the CPO provides the person with a written statement before the bid or proposal is submitted stating the compelling reasons why the bid or proposal should be considered. The CPO's determination shall be appended to the bid or proposal submitted.

“(ii) If the bid or proposal is awarded to the debarred or suspended person, the award, along with the CPO's determination, shall be prominently published on the OCP's website within 15 days of the issuance of the award and published in the District of Columbia Register as soon as is practicable.

“(3) Immediately before the award of a contract, the contracting officer or administrator shall review the most recent version of the Excluded Parties List to ensure that persons being considered for the award are not named on the list. If a person being considered for the award appears on the Excluded Parties List, the contracting officer or administrator shall notify the person in writing that the person's bid or proposal shall be rejected unless the person provides a written statement from the CPO in accordance with sib-subparagraph (i) of this subparagraph within 15 days of receipt of the written notification.

“(k) A person who has been debarred 2 times by the District shall be banned permanently from contracting with a District agency or office; provided, that the suspensions leading to debarment resulted from a violation, conviction, or judicial determination listed in subsection (b)(1) of this section but not a charge listed in subsection (b)(2) of this subsection. A permanent ban from contracting with the District bars a person from consideration for award of contracts or subcontracts permanently; provided, that 10 years after the person's debarment, the person may be eligible for reinstatement if the CPO provides written notification to the Chairman of the Council that the person's business practices have been reformed.”.




## ENROLLED ORIGINAL

## Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

UNSTIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
February 4, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-667

Codification  
District of Columbia  
Official Code  
2001 Edition  
  
Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 8, 2013

To amend Subtitle I of Title 28 of the District of Columbia Official Code, the Uniform Commercial Code, by revising Article 1 (general provisions), amending Article 3 (negotiable instruments), amending Article 4 (bank deposits and collections), revising Article 7 (documents of title), and making conforming amendments to other articles; and to amend An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes to make a conforming amendment concerning perfection of liens on motor vehicles and trailers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Commercial Code Revision Act of 2012".

Sec. 2. Article 1 of Subtitle I of Title 28 of the District of Columbia Official Code is amended to read as follows:

"ARTICLE 1  
"GENERAL PROVISIONS  
"Part 1. General Provisions.

- "Section
- "28:1-101. Short titles.
- "28:1-102. Scope of article.
- "28:1-103. Construction of subtitle to promote its purposes and policies; applicability of supplemental principles of law.
- "28:1-104. Construction against implied repeal.
- "28:1-105. Severability.
- "28:1-106. Use of singular and plural; gender.
- "28:1-107. Section captions.
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- “28:1-202. Notice; knowledge.
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- “28:1-301. Territorial applicability; parties’ power to choose applicable law.
- “28:1-302. Variation by agreement.
- “28:1-303. Course of performance, course of dealing, and usage of trade.
- “28:1-304. Obligation of good faith.
- “28:1-305. Remedies to be liberally administered.
- “28:1-306. Waiver or renunciation of claim or right after breach.
- “28:1-307. Prima facie evidence by third-party documents.
- “28:1-308. Performance or acceptance under reservation of rights.
- “28:1-309. Option to accelerate at will.
- “28:1-310. Subordinated obligations.

## “Part 1. General Provisions.

“§ 28:1-101. Short titles.

“(a) This subtitle may be cited as the “Uniform Commercial Code”.

“(b) This article may be cited as the “Uniform Commercial Code – General Provisions”.

“§ 28:1-102. Scope of article.

“This article applies to a transaction to the extent that it is governed by another article of this subtitle.

“§ 28:1-103. Construction of subtitle to promote its purposes and policies; applicability of supplemental principles of law.

“(a) This subtitle must be liberally construed and applied to promote its underlying purposes and policies, which are:

“(1) To simplify, clarify, and modernize the law governing commercial transactions;

“(2) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and

“(3) To make uniform the law among the various jurisdictions.

“(b) Unless displaced by the particular provisions of this subtitle, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause, supplement its provisions.

“§ 28:1-104. Construction against implied repeal.

“This subtitle being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such

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construction can reasonably be avoided.

“§ 28:1-105. Severability.

“If any provision or clause of this subtitle or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subtitle which can be given effect without the invalid provision or application, and to this end the provisions of this subtitle are severable.

“§ 28:1-106. Use of singular and plural; gender.

“In this subtitle, unless the statutory context otherwise requires:

“(1) Words in the singular number include the plural, and those in the plural include the singular; and

“(2) Words of any gender also refer to any other gender.

“§ 28:1-107. Section captions.

“Section captions are part of this subtitle.

“§ 28:1-108. Relation to Electronic Signatures in Global and National Commerce Act.

“This subtitle modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

“Part 2. General Definitions and Principles of Interpretation.

“§ 28:1-201. General definitions.

“(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this subtitle that apply to particular articles or parts thereof, have the meanings stated.

“(b) Subject to definitions contained in other articles of this subtitle that apply to particular articles or parts thereof:

“(1) “Action”, in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

“(2) “Aggrieved party” means a party entitled to pursue a remedy.

“(3) “Agreement”, as distinguished from “contract”, means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in § 28:1-303.

“(4) “Bank” means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

“(5) “Bearer” means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

“(6) “Bill of lading” means a document of title evidencing the receipt of

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goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

“(7) “Branch” includes a separately incorporated foreign branch of a bank.

“(8) “Burden of establishing” a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

“(9) “Buyer in ordinary course of business” means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller’s own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. Buyer in ordinary course of business does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

“(10) “Conspicuous”, with reference to a term, means written, displayed, or presented so that a reasonable person against which it is to operate ought to have noticed it. Whether a term is conspicuous or not is a decision for the court. Conspicuous terms include the following:

“(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

“(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

“(11) “Consumer” means an individual who enters into a transaction primarily for personal, family, or household purposes.

“(12) “Contract”, as distinguished from “agreement”, means the total legal obligation that results from the parties’ agreement as determined by this subtitle and as supplemented by any other applicable laws.

“(13) “Creditor” includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor’s or assignor’s estate.

“(14) “Defendant” includes a person in the position of defendant in a

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counterclaim, cross-claim, or third-party claim.

“(15) “Delivery”, with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper, means voluntary transfer of possession.

“(16)(A) “Document of title” means a record that:

“(i) In the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers; and

“(ii) Purports to be issued by or addressed to a bailee and to cover goods in the bailee’s possession which are either identified or are fungible portions of an identified mass.

“(B) The term “document of title” includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An “electronic document of title” means a document of title evidenced by a record consisting of information stored in an electronic medium. A “tangible document of title” means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

“(17) “Fault” means a default, breach, or wrongful act or omission.

“(18) “Fungible goods” means:

“(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

“(B) Goods that by agreement are treated as equivalent.

“(19) “Genuine” means free of forgery or counterfeiting.

“(20) “Good faith,” except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

“(21) “Holder” means:

“(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or

“(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

“(C) The person in control of a negotiable electronic document of title.

“(22) “Insolvency proceeding” includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

“(23) “Insolvent” means:

“(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

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“(B) Being unable to pay debts as they become due; or

“(C) Being insolvent within the meaning of federal bankruptcy law.

“(24) “Money” means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term “money” includes a monetary unit of account established by an intergovernmental organization or by agreement between 2 or more countries.

“(25) “Organization” means a person other than an individual.

“(26) “Party”, as distinguished from “third party”, means a person that has engaged in a transaction or made an agreement subject to this subtitle.

“(27) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

“(28) “Present value” means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

“(29) “Purchase” means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

“(30) “Purchaser” means a person that takes by purchase.

“(31) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“(32) “Remedy” means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

“(33) “Representative” means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

“(34) “Right” includes remedy.

“(35) “Security interest” means an interest in personal property or fixtures which secures payment or performance of an obligation. The term “security interest” includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9. The term “security interest” does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under § 28:2-401, but a buyer may also acquire a security interest by complying with Article 9. Except as otherwise provided in § 28:2-505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a security interest, but a seller or lessor may also acquire a security interest by complying with Article 9. The retention or reservation of title by a seller

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of goods notwithstanding shipment or delivery to the buyer under § 28:2-401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined pursuant to § 28:1-203.

“(36) “Send” in connection with a writing, record, or notice means:

“(A) To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none, to any address reasonable under the circumstances; or

“(B) In any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

“(37) “Signed” includes using any symbol executed or adopted with present intention to adopt or accept a writing.

“(38) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

“(39) “Surety” includes a guarantor or other secondary obligor.

“(40) “Term” means a portion of an agreement that relates to a particular matter.

“(41) “Unauthorized signature” means a signature made without actual, implied, or apparent authority. The term “unauthorized signature” includes a forgery.

“(42) “Warehouse receipt” means a document of title issued by a person engaged in the business of storing goods for hire.

“(43) “Writing” includes printing, typewriting, or any other intentional reduction to tangible form. “Written” has a corresponding meaning.

“§ 28:1-202. Notice; knowledge.

“(a) Subject to subsection (f) of this section, a person has “notice” of a fact if the person:

“(1) Has actual knowledge of it;

“(2) Has received a notice or notification of it; or

“(3) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

“(b) “Knowledge” means actual knowledge. “Knows” has a corresponding meaning.

“(c) “Discover”, “learn”, or words of similar import refer to knowledge rather than to reason to know.

“(d) A person “notifies” or “gives” a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course whether or not the other person actually comes to know of it.

“(e) Subject to subsection (f) of this section, a person “receives” a notice or notification when:

“(1) It comes to that person’s attention; or



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“(2) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

“(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual’s attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual’s regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

“§ 28:1-203. Lease distinguished from security interest.

“(a) Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

“(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

“(1) The original term of the lease is equal to or greater than the remaining economic life of the goods;

“(2) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

“(3) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

“(4) The lessee has an option to become the owner of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement.

“(c) A transaction in the form of a lease does not create a security interest merely because:

“(1) The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

“(2) The lessee assumes risk of loss of the goods;

“(3) The lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

“(4) The lessee has an option to renew the lease or to become the owner of the goods;

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“(5) The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

“(6) The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

“(d) Additional consideration is nominal if it is less than the lessee’s reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

“(1) When the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

“(2) When the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

“(e) The remaining economic life of the goods and reasonably predictable fair market rent, fair market value, or cost of performing under the lease agreement must be determined with reference to the facts and circumstances at the time the transaction is entered into.

“§ 28:1-204. Value.

“Except as otherwise provided in Articles 3, 4, and 5, a person gives value for rights if the person acquires them:

“(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

“(2) As security for, or in total or partial satisfaction of, a preexisting claim;

“(3) By accepting delivery under a preexisting contract for purchase; or

“(4) In return for any consideration sufficient to support a simple contract.

“§ 28:1-205. Reasonable time; seasonableness.

“(a) Whether a time for taking an action required by this subtitle is reasonable depends on the nature, purpose, and circumstances of the action.

“(b) An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.

“§ 28:1-206. Presumptions.

“Whenever this subtitle creates a presumption with respect to a fact, or provides that a fact is presumed, the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

“Part 3. Territorial Applicability and General Rules.

“§ 28:1-301. Territorial applicability; parties’ power to choose applicable law.

“(a) Except as otherwise provided in this section, when a transaction bears a

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reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

“(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this subtitle applies to transactions bearing an appropriate relation to the District of Columbia.

“(c) If one of the following provisions of this subtitle specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

“(1) § 28:2-402;

“(2) §§ 28:2A-105 and § 28:2A-106;

“(3) § 28:4-102;

“(4) § 28:4A-507;

“(5) § 28:5-116;

“(6) § 28:8-110;

“(7) §§ 28:9-301 through 9-307.

“§ 28:1-302. Variation by agreement.

“(a) Except as otherwise provided in subsection (b) of this section or elsewhere in this subtitle, the effect of provisions of this subtitle may be varied by agreement.

“(b) The obligations of good faith, diligence, reasonableness, and care prescribed by this subtitle may not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever this subtitle requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

“(c) The presence in certain provisions of this subtitle of the phrase “unless otherwise agreed”, or words of similar import, does not imply that the effect of other provisions may not be varied by agreement under this section.

“§ 28:1-303. Course of performance, course of dealing, and usage of trade.

“(a) A “course of performance” is a sequence of conduct between the parties to a particular transaction that exists if:

“(1) The agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and

“(2) The other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

“(b) A “course of dealing” is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

“(c) A “usage of trade” is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage of trade

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must be proved by facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

“(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties’ agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

“(e) Except as otherwise provided in subsection (f) of this section, the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade must be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

“(1) Express terms prevail over course of performance, course of dealing, and usage of trade;

“(2) Course of performance prevails over course of dealing and usage of trade; and

“(3) Course of dealing prevails over usage of trade.

“(f) Subject to § 28:2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

“(g) Evidence of a relevant usage of trade offered by one party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

“§ 28:1-304. Obligation of good faith.

“Every contract or duty within this subtitle imposes an obligation of good faith in its performance and enforcement.

“§ 28:1-305. Remedies to be liberally administered.

“(a) The remedies provided by this subtitle must be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed, but neither consequential or special damages nor penal damages may be awarded except as specifically provided in this subtitle or by other rule of law.

“(b) Any right or obligation declared by this subtitle is enforceable by action unless the provision declaring it specifies a different and limited effect.

“§ 28:1-306. Waiver or renunciation of claim or right after breach.

“A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

“§ 28:1-307. Prima facie evidence by third-party documents.

“A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher’s or inspector’s certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by

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the third party.

“§ 28:1-308. Performance or acceptance under reservation of rights.

“(a) A party that with explicit reservation of rights performs, promises performance, or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as “without prejudice,” “under protest,” or the like are sufficient.

“(b) Subsection (a) of this section does not apply to an accord and satisfaction.

“§ 28:1-309. Option to accelerate at will.

“A term providing that one party or that party’s successor in interest may accelerate payment or performance or require collateral or additional collateral at will or when the party deems itself insecure, or words of similar import, means that the party has power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against which the power has been exercised.

“§ 28:1-310. Subordinated obligations.

“An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Subordination does not create a security interest as against either the common debtor or a subordinated creditor.”.

Sec. 3. Article 2 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28:2-103 is amended as follows:

(1) Subsection (1) is amended by repealing paragraph (b).

(2) Subsection (3) is amended by striking the word “The” and inserting the phrase “Control as provided in § 28:7-106 and the” in its place.

(b) Section 28:2-104(2) is amended by inserting the phrase “or are associated with” after the word “accompany”.

(c) Section 28:2-202(a) is amended to read as follows:

“(a) by course of performance, course of dealing, or usage of trade (§ 28:1-303); and”.

(d) Section 28:2-208 is repealed.

(e) Section 28:2-310(c) is amended to read as follows:

“(c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) of this section then payment is due regardless of where the goods are to be received at the time and place at which the buyer is to receive delivery of the tangible documents or at the time the buyer is to receive delivery of the electronic documents and at the seller’s place of business or if none, the seller’s residence; and”.

(f) Section 28:2-323(2) is amended by inserting the word “tangible” after the phrase

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“subsection (1) a”.

(g) Section 28:2-401(3) is amended to read as follows:

“(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

“(a) if the seller is to deliver a tangible document of title, title passes at the time when and the place where he delivers such documents, and, if the seller is to deliver an electronic document of title, title passes when the seller delivers the document; or

“(b) if the goods are at the time of contracting already identified and no documents of title are to be delivered, title passes at the time and place of contracting.”.

(h) Section 28:2-503 is amended as follows:

(1) Subsection (4)(b) is amended as follows:

(A) Strike the phrase “written direction to” and insert the phrase “record directing” in its place.

(B) Insert the phrase “except as otherwise provided in Article 9” after the phrase “unless the buyer seasonably objects, and”.

(2) Subsection (5)(b) is amended by inserting the phrase “or associated with” after the word “accompanying”.

(i) Section 28:2-505(1)(b) is amended by inserting the phrase “or control” after the word “possession”.

(j) Section 28:2-506(2) is amended by striking the phrase “on its face”.

(k) Section 28:2-509(2) is amended as follows:

(1) Paragraph (a) is amended by inserting the phrase “possession or control of” after the phrase “receipt of”.

(2) Paragraph (c) is amended as follows:

(A) Insert the phrase “possession or control of” after the phrase “receipt of”.

(B) Strike the word “written”.

(C) Insert the phrase “in a record” after the word “deliver”.

(l) Section 28:2-605(2) is amended by striking the phrase “on the face of” and inserting the word “in” in its place.

(m) Section 28:2-705(2)(c) is amended by striking the word “warehouseman” and inserting the phrase “a warehouse” in its place.

(n) Section 28:2-705(3)(c) is amended by inserting the phrase “of possession or control” after the word “surrender”.

Sec. 4. Article 2A of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28:2A-103 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the word “receiving” in the

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second sentence and inserting the word “acquiring” in its place.

(B) Paragraph (15) is amended by striking the word “receiving” in the second sentence and inserting the word “acquiring” in its place.

(2) Subsection (c) is amended by striking the phrase ““Good faith.” 28:2-103(1)(b)”.

(b) Section 28:2A-207 is repealed.

(c) Section 28:2A-501(d) is amended by striking the phrase “28:1-106” and inserting the phrase “28:1-305(a)” in its place.

(d) Section 28:2A-514(b) is amended by striking the phrase “on the face of” and inserting the word “in” in its place.

(e) Section 28:2A-518(b) is amended by striking the phrase “28:1-102(3)” and inserting the phrase “28:1-302” in its place.

(f) Section 28:2A-519(a) is amended by striking the phrase “28:1-102(3)” and inserting the phrase “28:1-302” in its place.

(g) Section 28:2A-526(b)(3) is amended by striking the word “warehouseman” and inserting the phrase “a warehouse” in its place.

(h) Section 28:2A-527(b) is amended by striking the phrase “28:1-102(3)” and inserting the phrase “28:1-302” in its place.

(i) Section 28:2A-528(a) is amended by striking the phrase “28:1-102(3)” and inserting the phrase “28:1-302” in its place.

Sec. 5. Article 3 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “§ 28:3-605. Discharge of indorsers and accommodation parties” and inserting the phrase “§ 28:3-605. Discharge of secondary obligors” in its place.

(b) Section 28:3-103 is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) In this article, the term:

“(1) “Acceptor” means a drawee who has accepted a draft.

“(2) “Consumer account” means an account established by an individual primarily for personal, family, or household purposes.

“(3) “Consumer transaction” means a transaction in which an individual incurs an obligation primarily for personal, family, or household purposes.

“(4) “Drawee” means a person ordered in a draft to make payment.

“(5) “Drawer” means a person who signs or is identified in a draft as a person ordering payment.

“(6) “Maker” means a person who signs or is identified in a note as a person undertaking to pay.

“(7) “Order” means a written instruction to pay money signed by the person

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giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

“(8) “Ordinary care” in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank’s prescribed procedures and the bank’s procedures do not vary unreasonably from general banking usage not disapproved by this article or Article 4.

“(9) “Party” means a party to an instrument.

“(10) “Principal obligor”, with respect to an instrument, means the accommodated party or any other party to the instrument against whom a secondary obligor has recourse under this article.

“(11) “Promise” means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

“(12) “Prove” with respect to a fact means to meet the burden of establishing the fact under § 28:1-201(b)(8).

“(13) “Remitter” means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

“(14) “Remotely created consumer item” means an item drawn on a consumer account, which is not created by the payor bank and does not bear a handwritten signature purporting to be the signature of the drawer.

“(15) “Secondary obligor”, with respect to an instrument, means:

“(A) An indorser or an accommodation party;

“(B) A drawer having the obligation described in § 28:3-414(d); or

“(C) Any other party to the instrument that has recourse against

another party to the instrument pursuant to § 28:3-116(b).”.

(2) Subsection (b) is amended by inserting the phrase ““Account” ...§ 28:4-104” after the phrase ““Accommodation party” ...§ 28:3-419”.

(3) Subsection (c) is amended by striking the phrase ““Bank...§ 28:4-105”.

(c) Section 28:3-106 is amended as follows:

(1) Subsection (a) is amended by striking the word “writing” wherever it appears and inserting the word “record” in its place.

(2) Subsection (b) is amended by striking the word “writing” and inserting the word “record” in its place.

(d) Section 28:3-116(c) is repealed.



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(e) Section 28:3-119 is amended by striking the phrase “written notice of the litigation” and inserting the phrase “notice of the litigation in a record” in its place.

(f) Section 28:3-305 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “stated in subsection (b) of this section” and inserting the phrase “otherwise provided in this section” in its place.

(2) New subsections (e) and (f) are added to read as follows:

“(e) In a consumer transaction, if law other than this article requires that an instrument include a statement to the effect that the rights of a holder or transferee are subject to a claim or defense that the issuer could assert against the original payee, and the instrument does not include such a statement:

“(1) The instrument has the same effect as if the instrument included such a statement;

“(2) The issuer may assert against the holder or transferee all claims and defenses that would have been available if the instrument included such a statement; and

“(3) The extent to which claims may be asserted against the holder or transferee is determined as if the instrument included such a statement.

“(f) This section is subject to law other than this article that establishes a different rule for consumer transactions.”.

(g) Section 28:3-309(a) is amended to read as follows:

“(a) A person not in possession of an instrument is entitled to enforce the instrument if:

“(1) The person seeking to enforce the instrument:

“(A) Was entitled to enforce the instrument when loss of possession occurred; or

“(B) Has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred;

“(2) The loss of possession was not the result of a transfer by the person or a lawful seizure; and

“(3) The person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.”.

(h) Section 28:3-312(a)(3) is amended as follows:

(1) Strike the word “written”.

(2) Insert the phrase “in a record” after the word “made”.

(i) Section 28:3-416(a) is amended as follows:

(1) Paragraph (4) is amended by striking the word “and”.

(2) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (6) is added to read as follows:

“(6) With respect to a remotely created consumer item, that the person on

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whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.”.

(j) Section 28:3-417(a) is amended as follows:

(1) Paragraph (2) is amended by striking the word “and”.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4) With respect to any remotely created consumer item, that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.”.

(k) Section 28:3-419 is amended as follows:

(1) A new subsection (d-1) is added to read as follows:

“(d-1) If the signature of a party to an instrument is accompanied by words indicating that the party guarantees payment or the signer signs the instrument as an accommodation party in some other manner that does not unambiguously indicate an intention to guarantee collection rather than payment, the signer is obliged to pay the amount due on the instrument to a person entitled to enforce the instrument in the same circumstances as the accommodated party would be obliged, without prior resort to the accommodated party by the person entitled to enforce the instrument.”.

(2) Subsection (e) is amended to read as follows:

“(e) An accommodation party who pays the instrument is entitled to reimbursement from the accommodated party and is entitled to enforce the instrument against the accommodated party. In proper circumstances, an accommodation party may obtain relief that requires the accommodated party to perform its obligations on the instrument. An accommodated party that pays the instrument has no right of recourse against, and is not entitled to contribution from, an accommodation party.”.

(l) Section 28:3-602 is amended to read as follows:

“§ 28:3-602. Payment.

“(a) Subject to subsection (e) of this section, an instrument is paid to the extent payment is made by or on behalf of a party obliged to pay the instrument to a person entitled to enforce the instrument.

“(b) Subject to subsection (e) of this section, a note is paid to the extent payment is made by or on behalf of a party obliged to pay the note to a person that formerly was entitled to enforce the note only if at the time of the payment the party obliged to pay has not received adequate notification that the note has been transferred and that payment is to be made to the transferee. A notification is adequate only if it is signed by the transferor or the transferee, reasonably identifies the transferred note, and provides an address at which subsequent payments are to be made. Upon request, a transferee shall seasonably furnish reasonable proof that the note has been transferred. Unless the transferee complies with the request, a payment to the person that formerly was entitled to enforce the note is effective

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for purposes of subsection (c) of this section even if the party obliged to pay the note has received a notification under this section.

“(c) Subject to subsection (e) of this section, to the extent of a payment under subsections (a) or (b) of this section, the obligation of the party obliged to pay the instrument is discharged even though payment is made with knowledge of a claim to the instrument under § 28:3-306 by another person.

“(d) Subject to subsection (e) of this section, a transferee, or any party that has acquired rights in the instrument directly or indirectly from a transferee, including any such party that has rights as a holder in due course, is deemed to have notice of any payment that is made under subsection (b) of this section after the date that the note is transferred to the transferee but before the party obliged to pay the note receives adequate notification of the transfer.

“(e) The obligation of a party to pay the instrument is not discharged under subsections (a) through (d) of this section if:

“(1) A claim to the instrument under § 28:3-306 is enforceable against the party receiving payment and either payment is made with knowledge by the payor that payment is prohibited by injunction or similar process of a court of competent jurisdiction, or, in the case of an instrument other than a cashier’s check, teller’s check, or certified check, the party making payment accepted, from the person having a claim to the instrument, indemnity against loss resulting from refusal to pay the person entitled to enforce the instrument; or

“(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.

“(f) As used in this section, “signed”, with respect to a record that is not a writing, includes the attachment to or logical association with the record of an electronic symbol, sound, or process with the present intent to adopt or accept the record.”.

(m) Section 28:3-604 is amended as follows:

(1) Subsection (a) is amended by striking the word “writing” and inserting the word “record” in its place.

(2) A new subsection (c) is added to read as follows:

“(c) In this section, “signed”, with respect to a record that is not a writing, includes the attachment to or logical association with the record of an electronic symbol, sound, or process with the present intent to adopt or accept the record.”.

(n) Section 28:3-605 is amended to read as follows:

“§ 28:3-605. Discharge of secondary obligors.

“(a) If a person entitled to enforce an instrument releases the obligation of a principal obligor in whole or in part, and another party to the instrument is a secondary obligor with respect to the obligation of that principal obligor, the following rules apply:

“(1) Any obligations of the principal obligor to the secondary obligor with respect to any previous payment by the secondary obligor are not affected. Unless the terms

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of the release preserve the secondary obligor's recourse, the principal obligor is discharged, to the extent of the release, from any other duties to the secondary obligor under this article.

“(2) Unless the terms of the release provide that the person entitled to enforce the instrument retains the right to enforce the instrument against the secondary obligor, the secondary obligor is discharged to the same extent as the principal obligor from any unperformed portion of its obligation on the instrument. If the instrument is a check and the obligation of the secondary obligor is based on an indorsement of the check, the secondary obligor is discharged without regard to the language or circumstances of the discharge or other release.

“(3) If the secondary obligor is not discharged under paragraph (2) of this subsection, the secondary obligor is discharged to the extent of the value of the consideration for the release, and to the extent that the release would otherwise cause the secondary obligor a loss.

“(b) If a person entitled to enforce an instrument grants a principal obligor an extension of the time at which one or more payments are due on the instrument and another party to the instrument is a secondary obligor with respect to the obligation of that principal obligor, the following rules apply:

“(1) Any obligations of the principal obligor to the secondary obligor with respect to any previous payment by the secondary obligor are not affected. Unless the terms of the extension preserve the secondary obligor's recourse, the extension correspondingly extends the time for performance of any other duties owed to the secondary obligor by the principal obligor under this article.

“(2) The secondary obligor is discharged to the extent that the extension would otherwise cause the secondary obligor a loss.

“(3) To the extent that the secondary obligor is not discharged under paragraph (2) of this subsection, the secondary obligor may:

“(A) Perform its obligations to a person entitled to enforce the instrument as if the time for payment had not been extended; or

“(B) Treat the time for performance of its obligations as having been extended correspondingly; except, that the time may not be treated as having been extended correspondingly if the terms of the extension permit the person entitled to enforce the instrument to retain the right to enforce the instrument against the secondary obligor as if the time for payment had not been extended.

“(c) If a person entitled to enforce an instrument agrees, with or without consideration, to a modification of the obligation of a principal obligor other than a complete or partial release or an extension of the due date and another party to the instrument is a secondary obligor with respect to the obligation of that principal obligor, the following rules apply:

“(1) Any obligations of the principal obligor to the secondary obligor with respect to any previous payment by the secondary obligor are not affected. The

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modification correspondingly modifies any other duties owed to the secondary obligor by the principal obligor under this article.

“(2) The secondary obligor is discharged from any unperformed portion of its obligation to the extent that the modification would otherwise cause the secondary obligor a loss.

“(3) To the extent that the secondary obligor is not discharged under paragraph (2) of this subsection, the secondary obligor may satisfy its obligation on the instrument as if the modification had not occurred, or treat its obligation on the instrument as having been modified correspondingly.

“(d) If the obligation of a principal obligor is secured by an interest in collateral, another party to the instrument is a secondary obligor with respect to that obligation, and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of the secondary obligor is discharged to the extent of the impairment. The value of an interest in collateral is impaired to the extent the value of the interest is reduced to an amount less than the amount of the recourse of the secondary obligor, or the reduction in value of the interest causes an increase in the amount by which the amount of the recourse exceeds the value of the interest. For purposes of this subsection, impairing the value of an interest in collateral includes failure to obtain or maintain perfection or recordation of the interest in collateral, release of collateral without substitution of collateral of equal value or equivalent reduction of the underlying obligation, failure to perform a duty to preserve the value of collateral owed under Article 9 or other law to a debtor or other person secondarily liable, and failure to comply with applicable law in disposing of or otherwise enforcing the interest in collateral.

“(e) A secondary obligor is not discharged under subsection (a)(3), (b), (c), or (d) of this section unless the person entitled to enforce the instrument knows that the person is a secondary obligor or has notice under § 28:3-419(c) that the instrument was signed for accommodation.

“(f) A secondary obligor is not discharged under this section if the secondary obligor consents to the event or conduct that is the basis of the discharge, or the instrument or a separate agreement of the party provides for waiver of discharge under this section specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral. Unless the circumstances indicate otherwise, consent by the principal obligor to an act that would lead to a discharge under this section constitutes consent to that act by the secondary obligor if the secondary obligor controls the principal obligor or deals with the person entitled to enforce the instrument on behalf of the principal obligor.

“(g) A release or extension preserves a secondary obligor’s recourse if the terms of the release or extension provide that:

“(1) The person entitled to enforce the instrument retains the right to enforce the instrument against the secondary obligor; and

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“(2) The recourse of the secondary obligor continues as if the release or extension had not been granted.

“(h) Except as otherwise provided in subsection (i) of this section, a secondary obligor asserting discharge under this section has the burden of persuasion both with respect to the occurrence of the acts alleged to harm the secondary obligor and loss or prejudice caused by those acts.

“(i) If the secondary obligor demonstrates prejudice caused by an impairment of its recourse, and the circumstances of the case indicate that the amount of loss is not reasonably susceptible of calculation or requires proof of facts that are not ascertainable, it is presumed that the act impairing recourse caused a loss or impairment equal to the liability of the secondary obligor on the instrument. In that event, the burden of persuasion as to any lesser amount of the loss is on the person entitled to enforce the instrument.”.

Sec. 6. Article 4 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “§ 28:4-105. “Bank”; “Depository bank”; “Payor bank”; “Intermediary bank”; “Collecting bank”; “Presenting bank”” and inserting the phrase “§ 28:4-105. Definitions of types of banks” in its place.

(b) Section 28:4-104 is amended as follows:

(1) Subsection (b) is amended by striking the phrase ““Bank” ... Section 28:4-105”.

(2) Subsection (c) is amended as follows:

(A) Strike the word “The” and insert the phrase ““Control” as provided in § 28:7-106 and the” in its place.

(B) Strike the phrase ““Good faith. Section § 28:3-103.”

(C) The following new definitions are added to the index of definitions:

““Record”...Section 28:3-103.”

““Remotely created consumer item”...Section 28:3-103.”.

(c) Section 28:4-105 is amended by amending the section heading to read “Definitions of types of banks.”

(d) Section 28:4-207(a) is amended as follows:

(1) Paragraph (4) is amended by striking the word “and”.

(2) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (6) is added to read as follows:

“(6) With respect to any remotely created consumer item, that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.”.

(e) Section 28:4-208(a) is amended as follows:

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(1) Paragraph (2) is amended by striking the word “and”.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4) With respect to any remotely created consumer item, that the person on whose account the item is drawn authorized the issuance of the item in the amount for which the item is drawn.”.

(f) Section 28:4-210(c) is amended by inserting the phrase “possession or control of the” after the phrase “possession of the item or” in the second sentence.

(g) Section 28:4-212(a) is amended by striking the word “written” and inserting the phrase “record providing” in its place.

(h) Section 28:4-301(a) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) Returns an image of the item, if the party to which the return is made has entered into an agreement to accept an image as a return of the item and the image is returned in accordance with that agreement; or”.

(2) A new paragraph (3) is added to read as follows:

“(3) Sends a record providing notice of dishonor or nonpayment if the item is unavailable for return.”.

(i) Section 28:4-403(b) is amended as follows:

(1) Strike the word “writing” and insert the phrase “a record” in its place.

(2) Strike the phrase “a writing” and insert the phrase “a record” in its place.

Sec. 7. Article 4A of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28:4A-105(a) is amended as follows:

(1) Paragraph (6) is repealed.

(2) Paragraph (7) is amended by striking the phrase “(§ 28:1-201(8))” and inserting the phrase “under § 28:1-201(b)(8)” in its place.

(b) Section 28:4A-106 is amended by striking the phrase “§ 28:1-201(27)” and inserting the phrase “§ 28:1-202” in its place.

(c) Section 28:4A-108 is amended to read as follows:

“§ 28:4A-108. Relationship to Electronic Fund Transfers Act.

“(a) Except as otherwise provided in subsection (b) of this section, this article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act, approved November 10, 1978 (92 Stat. 3728; 15 U.S.C. § 1693 *et seq.*).

“(b) This article applies to a funds transfer that is a remittance transfer as defined in section 919(g)(2) of the Electronic Fund Transfer Act, approved July 21, 2010 (124 Stat. 2065; 15 U.S.C. § 1693o-1(g)(2)), unless the remittance transfer is an electronic fund transfer as defined in section 903(7) of the Electronic Fund Transfer Act, approved

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November 10, 1978 (92 Stat. 3728;15 U.S.C. § 1693a(7)).

“(c) In the event of an inconsistency between a provision of this article and the Electronic Fund Transfer Act, the Electronic Fund Transfer Act governs to the extent of the inconsistency.”

(c) Section 28:4A-204(b) is amended by striking the phrase “§ 28:1-204(1)” and inserting the phrase “§ 28:1-302(b)” in its place.

Sec. 8. Article 5 of Subtitle I of Title 28 of the District of Columbia Official Code is amended by amending § 28:5-103(c) by striking the phrase “28:1-102(3)” and inserting the phrase “§ 28:1-302” in its place.

Sec. 9. Article 7 of Subtitle I of Title 28 of the District of Columbia Official Code is amended to read as follows:

“ARTICLE 7  
“DOCUMENTS OF TITLE  
“Part 1. General.

“Section

“28:7-101. Short title.

“28:7-102. Definitions and index of definitions.

“28:7-103. Relation of article to treaty or statute.

“28:7-104. Negotiable and nonnegotiable document of title.

“28:7-105. Reissuance in alternative medium.

“28:7-106. Control of electronic document of title.

“Part 2. Warehouse Receipts: Special Provisions.

“28:7-201. Person that may issue a warehouse receipt; storage under bond.

“28:7-202. Form of warehouse receipt; effect of omission.

“28:7-203. Liability for nonreceipt or misdescription.

“28:7-204. Duty of care; contractual limitation of warehouse’s liability.

“28:7-205. Title under warehouse receipt defeated in certain cases.

“28:7-206. Termination of storage at warehouse’s option.

“28:7-207. Goods must be kept separate; fungible goods.

“28:7-208. Altered warehouse receipts.

“28:7-209. Lien of warehouse.

“28:7-210. Enforcement of warehouse’s lien.

“Part 3. Bills of Lading: Special Provisions.

“28:7-301. Liability for nonreceipt or misdescription; “said to contain”; “shipper’s weight, load, and count”; improper handling.

“28:7-302. Through bills of lading and similar documents of title.

“28:7-303. Diversion; reconsignment; change of instructions.

“28:7-304. Tangible bills of lading in a set.



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- “28:7-305. Destination bills.  
 “28:7-306. Altered bills of lading.  
 “28:7-307. Lien of carrier.  
 “28:7-308. Enforcement of carrier's lien.  
 “28:7-309. Duty of care; contractual limitation of carrier's liability.  
     “Part 4. Warehouse Receipts and Bills of Lading: General Obligations.  
 “28:7-401. Irregularities in issue of receipt or bill or conduct of issuer.  
 “28:7-402. Duplicate document of title; overissue.  
 “28:7-403. Obligation of bailee to deliver; excuse.  
 “28:7-404. No liability for good-faith delivery pursuant to document of title.  
     “Part 5. Warehouse Receipts and Bills of Lading: Negotiation And Transfer.  
 “28:7-501. Form of negotiation and requirements of due negotiation.  
 “28:7-502. Rights acquired by due negotiation.  
 “28:7-503. Document of title to goods defeated in certain cases.  
 “28:7-504. Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.  
 “28:7-505. Indorser not guarantor for other parties.  
 “28:7-506. Delivery without indorsement: right to compel indorsement.  
 “28:7-507. Warranties on negotiation or delivery of document of title.  
 “28:7-508. Warranties of collecting bank as to documents of title.  
 “28:7-509. Adequate compliance with commercial contract.  
     “Part 6. Warehouse Receipts and Bills of Lading: Miscellaneous Provisions.  
 “28:7-601. Lost, stolen, or destroyed documents of title.  
 “28:7-602. Judicial process against goods covered by negotiable document of title.  
 “28:7-603. Conflicting claims; interpleader.  
     “Part 7. Miscellaneous Provisions.  
 “28:7-701. Applicability.  
 “28:7-702. Savings clause.

## “Part 1. General.

- “§ 28:7-101. Short title.  
 “This article may be cited as the “Uniform Commercial Code – Documents of Title”.  
 “§ 28:7-102. Definitions and index of definitions.  
 “(a) In this article, unless the context otherwise requires, the term:  
     “(1) “Bailee” means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.  
     “(2) “Carrier” means a person that issues a bill of lading.  
     “(3) “Consignee” means a person named in a bill of lading to which or to whose order the bill promises delivery.  
     “(4) “Consignor” means a person named in a bill of lading as the person from which the goods have been received for shipment.

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“(5) “Delivery order” means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

“(6) “Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing.

“(7) “Goods” means all things that are treated as movable for the purposes of a contract for storage or transportation.

“(8) “Issuer” means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term “issuer” includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer’s instructions.

“(9) “Person entitled under the document” means the holder, in the case of a negotiable document of title or the person to which delivery of the goods is to be made by the terms of or pursuant to instructions in a record under a nonnegotiable document of title.

“(10) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“(11) “Shipper” means a person that enters into a contract of transportation with a carrier.

“(12) “Sign” means with present intent to authenticate or adopt a record:

“(A) To execute or adopt a tangible symbol; or

“(B) To attach to or logically associate with the record an electronic sound, symbol, or process.

“(13) “Warehouse” means a person engaged in the business of storing goods for hire.

“(b) Definitions in other articles applying to this article and the sections in which they appear include:

“(1) “Contract for sale”, § 28:2-106.

“(2) “Lessee in the ordinary course of business”, § 28:2A-103.

“(3) “Receipt” of goods, § 28:2-103.

“(c) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

“§ 28:7-103. Relation of article to treaty or statute.

“(a) This article is subject to any treaty or statute of the United States or regulatory statute of the District of Columbia to the extent the treaty, statute, or regulatory statute is applicable.

“(b) This article does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee’s business in respects not specifically treated in this article. However,

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violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.

“(c) This article modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001, *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

“(d) To the extent there is a conflict between Chapter 49 of Subtitle II of this title, the Uniform Electronic Transactions Act, and this article, this article governs.

“§ 28:7-104. Negotiable and nonnegotiable document of title.

“(a) Except as otherwise provided in subsection (c) of this section, a document of title is negotiable if by its terms the goods are to be delivered to bearer or to the order of a named person.

“(b) A document of title other than one described in subsection (a) of this section is nonnegotiable. A bill of lading that states that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against an order in a record signed by the same or another named person.

“(c) A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.

“§ 28:7-105. Reissuance in alternative medium.

“(a) Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:

“(1) The person entitled under the electronic document surrenders control of the document to the issuer; and

“(2) The tangible document when issued contains a statement that it is issued in substitution for the electronic document.

“(b) Upon issuance of a tangible document of title in substitution for an electronic document of title in accordance with subsection (a) of this section:

“(1) The electronic document ceases to have any effect or validity; and

“(2) The person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

“(c) Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

“(1) The person entitled under the tangible document surrenders possession of the document to the issuer; and

“(2) The electronic document when issued contains a statement that it is

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issued in substitution for the tangible document.

“(d) Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection (c) of this section:

“(1) The tangible document ceases to have any effect or validity; and

“(2) The person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the warrantor surrendered possession of the tangible document to the issuer.

“§ 28:7-106. Control of electronic document of title.

“(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

“(b) A system satisfies subsection (a) of this section, and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

“(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this subsection, unalterable;

“(2) The authoritative copy identifies the person asserting control as:

“(A) The person to which the document was issued; or

“(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

“(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

“(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

“(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

“(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

“Part 2. Warehouse Receipts: Special Provisions.

“§ 28:7-201. Person that may issue a warehouse receipt; storage under bond.

“(a) A warehouse receipt may be issued by any warehouse.

“(b) If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods is deemed to be a warehouse receipt even if issued by a person that is the owner of the goods and is not a warehouse.

“§ 28:7-202. Form of warehouse receipt; effect of omission.

“(a) A warehouse receipt need not be in any particular form.

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“(b) Unless a warehouse receipt provides for each of the following, the warehouse is liable for damages caused to a person injured by its omission:

“(1) A statement of the location of the warehouse facility where the goods are stored;

“(2) The date of issue of the receipt;

“(3) The unique identification code of the receipt;

“(4) A statement whether the goods received will be delivered to the bearer, to a named person, or to its order;

“(5) The rate of storage and handling charges, unless goods are stored under a field warehousing arrangement, in which case a statement of that fact is sufficient on a nonnegotiable receipt;

“(6) A description of the goods or the packages containing them;

“(7) The signature of the warehouse or its agent;

“(8) If the receipt is issued for goods that the warehouse owns, either solely, jointly, or in common with others, a statement of the fact of that ownership; and

“(9) A statement of the amount of advances made and of liabilities incurred for which the warehouse claims a lien or security interest, unless the precise amount of advances made or liabilities incurred, at the time of the issue of the receipt, is unknown to the warehouse or to its agent that issued the receipt, in which case a statement of the fact that advances have been made or liabilities incurred and the purpose of the advances or liabilities is sufficient.

“(c) A warehouse may insert in its receipt any terms that are not contrary to this subtitle and do not impair its obligation of delivery under § 28:7-403 or its duty of care under § 28:7-204. Any contrary provision is ineffective.

“§ 28:7-203. Liability for nonreceipt or misdescription.

“A party to or purchaser for value in good faith of a document of title, other than a bill of lading, that relies upon the description of the goods in the document may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

“(1) The document conspicuously indicates that the issuer does not know whether all or part of the goods in fact were received or conform to the description, such as a case in which the description is in terms of marks or labels or kind, quantity, or condition, or the receipt or description is qualified by “contents, condition, and quality unknown”, “said to contain”, or words of similar import, if the indication is true; or

“(2) The party or purchaser otherwise has notice of the nonreceipt or misdescription.

“§ 28:7-204. Duty of care; contractual limitation of warehouse’s liability.

“(a) A warehouse is liable for damages for loss of or injury to the goods caused by its failure to exercise care with regard to the goods that a reasonably careful person would exercise under similar circumstances. Unless otherwise agreed, the warehouse is not liable for damages that could not have been avoided by the exercise of that care.

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“(b) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage beyond which the warehouse is not liable. Such a limitation is not effective with respect to the warehouse’s liability for conversion to its own use. On request of the bailor in a record at the time of signing the storage agreement or within a reasonable time after receipt of the warehouse receipt, the warehouse’s liability may be increased on part or all of the goods covered by the storage agreement or the warehouse receipt. In this event, increased rates may be charged based on an increased valuation of the goods.

“(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the bailment may be included in the warehouse receipt or storage agreement.

“§ 28:7-205. Title under warehouse receipt defeated in certain cases.

“A buyer in ordinary course of business of fungible goods sold and delivered by a warehouse that is also in the business of buying and selling such goods takes the goods free of any claim under a warehouse receipt even if the receipt is negotiable and has been duly negotiated.

“§ 28:7-206. Termination of storage at warehouse's option.

“(a) A warehouse, by giving notice to the person on whose account the goods are held and any other person known to claim an interest in the goods, may require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document of title or, if a period is not fixed, within a stated period not less than 30 days after the warehouse gives notice. If the goods are not removed before the date specified in the notice, the warehouse may sell them pursuant to § 28:7-210.

“(b) If a warehouse in good faith believes that goods are about to deteriorate or decline in value to less than the amount of its lien within the time provided in subsection (a) of this section and § 28:7-210, the warehouse may specify in the notice given under subsection (a) of this section any reasonable shorter time for removal of the goods and, if the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

“(c) If, as a result of a quality or condition of the goods of which the warehouse did not have notice at the time of deposit, the goods are a hazard to other property, the warehouse facilities, or other persons, the warehouse may sell the goods at public or private sale without advertisement or posting on reasonable notification to all persons known to claim an interest in the goods. If the warehouse, after a reasonable effort, is unable to sell the goods, it may dispose of them in any lawful manner and does not incur liability by reason of that disposition.

“(d) A warehouse shall deliver the goods to any person entitled to them under this article upon due demand made at any time before sale or other disposition under this section.

“(e) A warehouse may satisfy its lien from the proceeds of any sale or disposition under this section but shall hold the balance for delivery on the demand of any person to

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which the warehouse would have been bound to deliver the goods.

“§ 28:7-207. Goods must be kept separate; fungible goods.

“(a) Unless the warehouse receipt provides otherwise, a warehouse shall keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods. However, different lots of fungible goods may be commingled.

“(b) If different lots of fungible goods are commingled, the goods are owned in common by the persons entitled thereto and the warehouse is severally liable to each owner for that owner's share. If, because of overissue, a mass of fungible goods is insufficient to meet all the receipts the warehouse has issued against it, the persons entitled to the fungible goods include all holders to which overissued receipts have been duly negotiated.

“§ 28:7-208. Altered warehouse receipts.

“If a blank in a negotiable tangible warehouse receipt has been filled in without authority, a good-faith purchaser for value and without notice of the lack of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any tangible or electronic warehouse receipt enforceable against the issuer according to its original tenor.

“§ 28:7-209. Lien of warehouse.

“(a) A warehouse has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in its possession for charges for storage or transportation, including demurrage and terminal charges, insurance, labor, or other charges, present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for similar charges or expenses in relation to other goods whenever deposited and it is stated in the warehouse receipt or storage agreement that a lien is claimed for charges and expenses in relation to other goods, the warehouse also has a lien against the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession for those charges and expenses, whether or not the other goods have been delivered by the warehouse. However, as against a person to which a negotiable warehouse receipt is duly negotiated, a warehouse's lien is limited to charges in an amount or at a rate specified in the warehouse receipt or, if no charges are so specified, to a reasonable charge for storage of the specific goods covered by the receipt subsequent to the date of the receipt.

“(b) A warehouse may also reserve a security interest against the bailor for the maximum amount specified on the receipt for charges other than those specified in subsection (a) of this section, such as for money advanced and interest. The security interest is governed by Article 9.

“(c) A warehouse's lien for charges and expenses under subsection (a) of this section or a security interest under subsection (b) of this section is also effective against any person that so entrusted the bailor with possession of the goods that a pledge of them by the bailor to a good-faith purchaser for value would have been valid. However, the lien or security interest is not effective against a person that before issuance of a document of title had a

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legal interest or a perfected security interest in the goods and did not:

“(1) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor’s nominee with:

“(A) Actual or apparent authority to ship, store, or sell;

“(B) Power to obtain delivery under § 28:7-403; or

“(C) Power of disposition under § 28:2-403, 28:2A-304, 28:2A-305 28:9-320, or 28:9-321(c) or other statute or rule of law; or

“(2) Acquiesce in the procurement by the bailor or its nominee of any document.

“(d) A warehouse’s lien on household goods for charges and expenses in relation to the goods under subsection (a) of this section is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. In this subsection, the term “household goods” means furniture, furnishings, or personal effects used by the depositor in a dwelling.

“(e) A warehouse loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

“§ 28:7-210. Enforcement of warehouse's lien.

“(a)(1) Except as otherwise provided in subsection (b) of this section, a warehouse’s lien may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification must include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the warehouse is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner.

“(2) The warehouse sells in a commercially reasonable manner if the warehouse sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold.

“(3) A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by paragraph (2) of this subsection.

“(b) A warehouse may enforce its lien on goods, other than goods stored by a merchant in the course of its business, only if the following requirements are satisfied:

“(1) All persons known to claim an interest in the goods must be notified.

“(2) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than 10 days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.



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“(3) The sale must conform to the terms of the notification.

“(4) The sale must be held at the nearest suitable place to where the goods are held or stored.

“(5) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for 2 weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account the goods are being held, and the time and place of the sale. The sale must take place at least 15 days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least 10 days before the sale in not fewer than 6 conspicuous places in the neighborhood of the proposed sale.

“(c) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold and must be retained by the warehouse subject to the terms of the receipt and this article.

“(d) A warehouse may buy at any public sale held pursuant to this section.

“(e) A purchaser in good faith of goods sold to enforce a warehouse's lien takes the goods free of any rights of persons against which the lien was valid, despite the warehouse's noncompliance with this section.

“(f) A warehouse may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the warehouse would have been bound to deliver the goods.

“(g) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

“(h) If a lien is on goods stored by a merchant in the course of its business, the lien may be enforced in accordance with subsection (a) or (b) of this section.

“(i) A warehouse is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

“Part 3. Bills of Lading: Special Provisions.

“§ 28:7-301. Liability for nonreceipt or misdescription; “Said to contain”; “Shipper's weight, load, and count”; improper handling.

“(a) A consignee of a nonnegotiable bill of lading which has given value in good faith, or a holder to which a negotiable bill has been duly negotiated, relying upon the description of the goods in the bill or upon the date shown in the bill, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the bill indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, such as in a case in which the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by the phrase “contents or condition of contents of

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packages unknown", "said to contain", "shipper's weight, load, and count", or words of similar import, if that indication is true.

"(b) If goods are loaded by the issuer of a bill of lading;

"(1) The issuer shall count the packages of goods if shipped in packages and ascertain the kind and quantity if shipped in bulk; and

"(2) Words such as "shipper's weight, load, and count", or words of similar import indicating that the description was made by the shipper are ineffective except as to goods concealed in packages.

"(c) If bulk goods are loaded by a shipper that makes available to the issuer of a bill of lading adequate facilities for weighing those goods, the issuer shall ascertain the kind and quantity within a reasonable time after receiving the shipper's request in a record to do so. In that case, "shipper's weight" or words of similar import are ineffective.

"(d) The issuer of a bill of lading, by including in the bill the words "shipper's weight, load, and count", or words of similar import, may indicate that the goods were loaded by the shipper, and, if that statement is true, the issuer is not liable for damages caused by the improper loading. However, omission of such words does not imply liability for damages caused by improper loading.

"(e) A shipper guarantees to an issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by the shipper, and the shipper shall indemnify the issuer against damage caused by inaccuracies in those particulars. This right of indemnity does not limit the issuer's responsibility or liability under the contract of carriage to any person other than the shipper.

"§ 28:7-302. Through bills of lading and similar documents of title.

"(a) The issuer of a through bill of lading, or other document of title embodying an undertaking to be performed in part by a person acting as its agent or by a performing carrier, is liable to any person entitled to recover on the bill or other document for any breach by the other person or the performing carrier of its obligation under the bill or other document. However, to the extent that the bill or other document covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability for breach by the other person or the performing carrier may be varied by agreement of the parties.

"(b) If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by a person other than the issuer are received by that person, the person is subject, with respect to its own performance while the goods are in its possession, to the obligation of the issuer. The person's obligation is discharged by delivery of the goods to another person pursuant to the bill or other document and does not include liability for breach by any other person or by the issuer.

"(c) The issuer of a through bill of lading or other document of title described in subsection (a) of this section is entitled to recover from the performing carrier, or other person in possession of the goods when the breach of the obligation under the bill or other

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document occurred:

“(1) The amount it may be required to pay to any person entitled to recover on the bill or other document for the breach, as may be evidenced by any receipt, judgment, or transcript of judgment; and

“(2) The amount of any expense reasonably incurred by the issuer in defending any action commenced by any person entitled to recover on the bill or other document for the breach.

“§ 28:7-303. Diversion; reconsignment; change of instructions.

“(a) Unless the bill of lading otherwise provides, a carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods, without liability for misdelivery, on instructions from:

“(1) The holder of a negotiable bill;

“(2) The consignor on a nonnegotiable bill, even if the consignee has given contrary instructions;

“(3) The consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the tangible bill or in control of the electronic bill; or

“(4) The consignee on a nonnegotiable bill, if the consignee is entitled as against the consignor to dispose of the goods.

“(b) Unless instructions described in subsection (a) of this section are included in a negotiable bill of lading, a person to which the bill is duly negotiated may hold the bailee according to the original terms.

“§ 28:7-304. Tangible bills of lading in a set.

“(a) Except as customary in international transportation, a tangible bill of lading may not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

“(b) If a tangible bill of lading is lawfully issued in a set of parts, each of which contains an identification code and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitutes one bill.

“(c) If a tangible negotiable bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to which the first due negotiation is made prevails as to both the document of title and the goods even if any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrendering its part.

“(d) A person that negotiates or transfers a single part of a tangible bill of lading issued in a set is liable to holders of that part as if it were the whole set.

“(e) The bailee shall deliver in accordance with Part 4 of this article against the first presented part of a tangible bill of lading lawfully issued in a set. Delivery in this manner discharges the bailee's obligation on the whole bill.

“§ 28:7-305. Destination bills.

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“(a) Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier, at the request of the consignor, may procure the bill to be issued at destination or at any other place designated in the request.

“(b) Upon request of any person entitled as against a carrier to control the goods while in transit and on surrender of possession or control of any outstanding bill of lading or other receipt covering the goods, the issuer, subject to § 28:7-105, may procure a substitute bill to be issued at any place designated in the request.

“§ 28:7-306. Altered bills of lading.

“An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

“§ 28:7-307. Lien of carrier.

“(a) A carrier has a lien on the goods covered by a bill of lading or on the proceeds thereof in its possession for charges after the date of the carrier’s receipt of the goods for storage or transportation, including demurrage and terminal charges, and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. However, against a purchaser for value of a negotiable bill of lading, a carrier’s lien is limited to charges stated in the bill or the applicable tariffs or, if no charges are stated, a reasonable charge.

“(b) A lien for charges and expenses under subsection (a) of this section on goods that the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to those charges and expenses. Any other lien under subsection (a) of this section is effective against the consignor and any person that permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked authority.

“(c) A carrier loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

“§ 28:7-308. Enforcement of carrier’s lien.

“(a)(1) A carrier’s lien on goods may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification must include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner.

“(2) The carrier sells goods in a commercially reasonable manner if the carrier sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold.

“(3) A sale of more goods than apparently necessary to be offered to ensure

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satisfaction of the obligation is not commercially reasonable, except in cases covered by paragraph (2) of this subsection.

“(b) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but must be retained by the carrier, subject to the terms of the bill of lading and this article.

“(c) A carrier may buy at any public sale pursuant to this section.

“(d) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against which the lien was valid, despite the carrier's noncompliance with this section.

“(e) A carrier may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the carrier would have been bound to deliver the goods.

“(f) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

“(g) A carrier's lien may be enforced pursuant to either subsection (a) of this section or the procedure set forth in § 28:7-210(b).

“(h) A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

“§ 28:7-309. Duty of care; contractual limitation of carrier's liability.

“(a) A carrier that issues a bill of lading, whether negotiable or nonnegotiable, shall exercise the degree of care in relation to the goods which a reasonably careful person would exercise under similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

“(b) Damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

“(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement.

“ Part 4. Warehouse Receipts and Bills of Lading: General Obligations.

“§ 28:7-401. Irregularities in issue of receipt or bill or conduct of issuer.

“ The obligations imposed by this article on an issuer apply to a document of title even if:

“(1) The document does not comply with the requirements of this article or of

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any other statute, rule, or regulation regarding its issuance, form, or content;

“(2) The issuer violated laws regulating the conduct of its business;

“(3) The goods covered by the document were owned by the bailee when the document was issued; or

“(4) The person issuing the document is not a warehouse but the document purports to be a warehouse receipt.

“§ 28:7-402. Duplicate document of title; overissue.

“A duplicate or any other document of title purporting to cover goods already represented by an outstanding document of the same issuer does not confer any right in the goods, except as provided in the case of tangible bills of lading in a set of parts, overissue of documents for fungible goods, substitutes for lost, stolen, or destroyed documents, or substitute documents issued pursuant to § 28:7-105. The issuer is liable for damages caused by its overissue or failure to identify a duplicate document by a conspicuous notation.

“§ 28:7-403. Obligation of bailee to deliver; excuse.

“(a) A bailee shall deliver the goods to a person entitled under a document of title if the person complies with subsections (b) and (c) of this section, unless and to the extent that the bailee establishes any of the following:

“(1) Delivery of the goods to a person whose receipt was rightful as against the claimant;

“(2) Damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

“(3) Previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;

“(4) The exercise by a seller of its right to stop delivery pursuant to § 28:2-705 or by a lessor of its right to stop delivery pursuant to § 28:2A-526;

“(5) A diversion, reconsignment, or other disposition pursuant to § 28:7-303;

“(6) Release, satisfaction, or any other personal defense against the claimant;

or

“(7) Any other lawful excuse.

“(b) A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or if the bailee is prohibited by law from delivering the goods until the charges are paid.

“(c) Unless a person claiming the goods is a person against which the document of title does not confer a right under § 28:7-503(a):

“(1) The person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and

“(2) The bailee shall cancel the document or conspicuously indicate in the document the partial delivery or the bailee is liable to any person to which the document is duly negotiated.

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“§ 28:7-404. No liability for good-faith delivery pursuant to document of title.

“A bailee that in good faith has received goods and delivered or otherwise disposed of the goods according to the terms of a document of title or pursuant to this article is not liable for the goods even if:

“(1) The person from which the bailee received the goods did not have authority to procure the document or to dispose of the goods; or

“(2) The person to which the bailee delivered the goods did not have authority to receive the goods.

“Part 5. Warehouse Receipts and Bills of Lading: Negotiation And Transfer.

“§ 28:7-501. Form of negotiation and requirements of due negotiation.

“(a) The following rules apply to a negotiable tangible document of title:

“(1) If the document’s original terms run to the order of a named person, the document is negotiated by the named person’s indorsement and delivery. After the named person’s indorsement in blank or to bearer, any person may negotiate the document by delivery alone.

“(2) If the document’s original terms run to bearer, it is negotiated by delivery alone.

“(3) If the document’s original terms run to the order of a named person and it is delivered to the named person, the effect is the same as if the document had been negotiated.

“(4) Negotiation of the document after it has been indorsed to a named person requires indorsement by the named person and delivery.

“(5) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a monetary obligation.

“(b) The following rules apply to a negotiable electronic document of title:

“(1) If the document’s original terms run to the order of a named person or to bearer, the document is negotiated by delivery of the document to another person. Indorsement by the named person is not required to negotiate the document.

“(2) If the document’s original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated.

“(3) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.

“(c) Indorsement of a nonnegotiable document of title neither makes it negotiable

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nor adds to the transferee's rights.

“(d) The naming in a negotiable bill of lading of a person to be notified of the arrival of the goods does not limit the negotiability of the bill or constitute notice to a purchaser of the bill of any interest of that person in the goods.

“§ 28:7-502. Rights acquired by due negotiation.

“(a) Subject to §§ 28:7-205 and 28:7-503, a holder to which a negotiable document of title has been duly negotiated acquires thereby:

“(1) Title to the document;

“(2) Title to the goods;

“(3) All rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

“(4) The direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by the issuer except those arising under the terms of the document or under this article, but in the case of a delivery order, the bailee's obligation accrues only upon the bailee's acceptance of the delivery order and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

“(b) Subject to § 28:7-503, title and rights acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of the goods by the bailee and are not impaired even if:

“(1) The due negotiation or any prior due negotiation constituted a breach of duty;

“(2) Any person has been deprived of possession of a negotiable tangible document or control of a negotiable electronic document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion; or

“(3) A previous sale or other transfer of the goods or document has been made to a third person.

“§ 28:7-503. Document of title to goods defeated in certain cases.

“(a) A document of title confers no right in goods against a person that before issuance of the document had a legal interest or a perfected security interest in the goods and that did not:

“(1) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

“(A) Actual or apparent authority to ship, store, or sell;

“(B) Power to obtain delivery under § 28:7-403; or

“(C) Power of disposition under § 28:2-403, 28:2A-304, 28:2A-305, 28:9-320, or 28:9-321(c) or other statute or rule of law; or

“(2) Acquiesce in the procurement by the bailor or its nominee of any document.

“(b) Title to goods based upon an unaccepted delivery order is subject to the rights of



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any person to which a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. That title may be defeated under § 28:7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

“(c) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of any person to which a bill issued by the freight forwarder is duly negotiated. However, delivery by the carrier in accordance with Part 4 of this article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

“§ 28:7-504. Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.

“(a) A transferee of a document of title, whether negotiable or nonnegotiable, to which the document has been delivered but not duly negotiated, acquires the title and rights that its transferor had or had actual authority to convey.

“(b) In the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives notice of the transfer, the rights of the transferee may be defeated:

“(1) By those creditors of the transferor which could treat the transfer as void under § 28:2-402 or § 28:2A-308;

“(2) By a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of the buyer's rights;

“(3) By a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the lessee's rights; or

“(4) As against the bailee, by good-faith dealings of the bailee with the transferor.

“(c) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if the goods have been delivered to a buyer in ordinary course of business or a lessee in ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

“(d) Delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller under § 28:2-705 or a lessor under § 28:2A-526, subject to the requirements of due notification in those sections. A bailee that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

“§ 28:7-505. Indorser not guarantor for other parties.

“The indorsement of a tangible document of title issued by a bailee does not make the indorser liable for any default by the bailee or previous indorsers.

“§ 28:7-506. Delivery without indorsement: right to compel indorsement.

“The transferee of a negotiable tangible document of title has a specifically enforceable right to have its transferor supply any necessary indorsement, but the transfer becomes a negotiation only as of the time the indorsement is supplied.

“§ 28:7-507. Warranties on negotiation or delivery of document of title.

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"If a person negotiates or delivers a document of title for value, other than as a mere intermediary under § 28:7-508, unless otherwise agreed, the transferor, in addition to any warranty made in selling or leasing the goods, warrants to its immediate purchaser only that:

"(1) The document is genuine;

"(2) The transferor does not have knowledge of any fact that would impair the document's validity or worth; and

"(3) The negotiation or delivery is rightful and fully effective with respect to the title to the document and the goods it represents.

"§ 28:7-508. Warranties of collecting bank as to documents of title.

"A collecting bank or other intermediary known to be entrusted with documents of title on behalf of another or with collection of a draft or other claim against delivery of documents warrants by the delivery of the documents only its own good faith and authority even if the collecting bank or other intermediary has purchased or made advances against the claim or draft to be collected.

"§ 28:7-509. Adequate compliance with commercial contract.

"Whether a document of title is adequate to fulfill the obligations of a contract for sale, a contract for lease, or the conditions of a letter of credit is determined by Article 2, 2A, or 5.

"Part 6. Warehouse Receipts and Bills of Lading: Miscellaneous Provisions.

"§ 28:7-601. Lost, stolen, or destroyed documents of title.

"(a) If a document of title is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with the order. If the document was negotiable, a court may not order delivery of the goods or issuance of a substitute document without the claimant's posting of security unless it finds that any person that may suffer loss as a result of nonsurrender of possession or control of the document is adequately protected against the loss. If the document was nonnegotiable, the court may require security. The court may also order payment of the bailee's reasonable costs and attorney's fees in any action under this subsection.

"(b) A bailee that, without a court order, delivers goods to a person claiming a missing negotiable document of title is liable to any person injured thereby. If the delivery is not in good faith, the bailee is liable for conversion. Delivery in good faith is not conversion if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery which files a notice of claim within one year after the delivery.

"§ 28:7-602. Judicial process against goods covered by negotiable document of title.

"Unless a document of title was originally issued upon delivery of the goods by a person that did not have power to dispose of them, a lien does not attach by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless possession or control of the document is first surrendered to the

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bailee or the document's negotiation is enjoined. The bailee may not be compelled to deliver the goods pursuant to process until possession or control of the document is surrendered to the bailee or to the court. A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

“§ 28:7-603. Conflicting claims; interpleader.

“If more than one person claims title to or possession of the goods, the bailee is excused from delivery until the bailee has a reasonable time to ascertain the validity of the adverse claims or to commence an action for interpleader. The bailee may assert an interpleader either in defending an action for nondelivery of the goods or by original action.

“Part 7. Miscellaneous Provisions.

“§ 28:7-701. Applicability.

“This article applies to a document of title that is issued or a bailment that arises on or after the effective date of this article. This article does not apply to a document of title that is issued or a bailment that arises before the effective date of this article even if the document of title or bailment would be subject to this article if the document of title had been issued or bailment had arisen on or after the effective date of this article. This article does not apply to a right of action that has accrued before the effective date of this article.

“§ 28:7-702. Savings clause.

“A document of title issued or a bailment that arises before the effective date of this act and the rights, obligations, and interests flowing from that document or bailment are governed by any statute or other rule amended or repealed by this act as if the amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.”

Sec.10. Article 8 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28:8-102(a)(10) is repealed.

(b) Section 28:8-103 is amended by adding a new subsection (g) to read as follows:

“(g) A document of title is not a financial asset unless § 28:8-102(a)(9)(iii) applies.”

Sec.11. Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28:9-102 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (5) is amended by striking the phrase “, other than a security interest,”.

(B) Paragraph (30) is amended by striking the phrase “§28:7-201(2)” and inserting the phrase “§ 28:7-201(b)” in its place.

(C) Paragraph (43) is repealed.

(D) Paragraph (46) is amended by striking the period and inserting the

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phrase "or to be provided." in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the word "The" in the introductory phrase and insert the phrase ""Control" as provided in § 28:7-106 and the" in its place.

(B) Insert the phrase ""Issuer" (with respect to documents of title) § 28:7-102." after the phrase ""Issuer" (with respect to a security) § 28:8-201."

(b) Section 28:9-203(b)(3)(D) is amended to read as follows:

"(D) The collateral is deposit accounts, electronic chattel paper, investment property, letter-of-credit rights, or electronic documents, and the secured party has control under § 28:7-106, § 28:9-104, § 28:9-105, § 28:9-106, or § 28:9-107 pursuant to the debtor's security agreement."

(c) Section 28:9-207(c) is amended by inserting the phrase "28:7-106," after the phrase "collateral under §".

(d) Section 28:9-208(b) is amended as follows:

(1) Paragraph (4) is amended by striking the word "and" after the semicolon.

(2) Paragraph (5) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (6) is added to read as follows:

"(6) A secured party having control of an electronic document shall:

"(A) Give control of the electronic document to the debtor or its designated custodian;

"(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

"(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party."

(e) Section 28:9-301(3) is amended by inserting the word "tangible" after the word "while".

(f) Section 28:9-304(b)(1) is amended by striking the phrase "the debtor" and inserting the phrase "its customer" in its place.

(g) Section 28:9-309 is amended as follows:

(1) Paragraph (12) is amended by striking the word "and" after the semicolon.

(2) Paragraph (13) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (14) is added to read as follows:

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“(14) A sale by an individual of an account that is a right to payment of winnings in a lottery or other game of chance.”

(h) Section 28:9-310(b)(8) is amended by inserting the phrase “electronic documents,” after the phrase “chattel paper,”.

(i) Section 28:9-312(e) is amended by inserting the phrase “or control” after the word “possession”.

(j) Section 28:9-313(a) is amended by inserting the word “tangible” after the phrase “security interest in”.

(k) Section 28:9-314 is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) A security interest in investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents may be perfected by control of the collateral under § 28:7-106, § 28:9-104, § 28:9-105, § 28:9-106, or § 28:9-107.”

(2) Subsection (b) is amended to read as follows:

“(b) A security interest in deposit accounts, electronic chattel paper, or letter-of-credit rights, or electronic documents is perfected by control under § 28:7-106, § 28:9-104, § 28:9-105, or § 28:9-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.”

(l) Section 28:9-317 is amended as follows:

(1) Subsection (a) is amended by inserting the word “tangible” after the phrase “tangible chattel paper,”.

(2) Subsection (d) is amended by inserting the phrase “electronic documents,” after the phrase “electronic chattel paper,”.

(m) Section 28:9-338(2) is amended by striking the phrase “chattel paper, documents” and inserting the phrase “tangible chattel paper, tangible documents” in its place.

(n) Section 28:9-601(b) is amended by inserting the phrase “28:7-106,” after the phrase “collateral under §”.

Sec. 12. Section 2 of An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code § 50-1202), is amended by adding the following new sentence at the end to read as follows:

“The perfection of a security interest of a motor vehicle or trailer under D.C. Official Code § 28:9-311(b) occurs upon receipt by the appropriate official in the Department of Motor Vehicles of a properly tendered application for a certificate of title on which the security interest is to be indicated.”

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## Sec. 13. Fiscal impact statement.

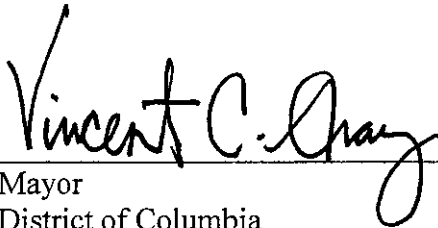
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 14. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 8, 2013

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-668Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 12, 2013

To amend An Act To provide for the payment and collection of wages in the District of Columbia provide for a penalty for an employer who misclassifies an employee as an independent contractor, to allow the employee to seek up to treble damages for lost wages and benefits, to require an employer to pay restitution, to subject an employer to a stop-work order or debarment, to require an employer to provide notice to each employee of their status as an independent contractor and the implications of such status, and to require an employer to maintain records of independent contractors working on their job sites; and to amend the Procurement Practices Reform Act of 2010 to provide that a violation of Title II of An Act To provide for the payment and collection of wages in the District of Columbia is cause for debarment or suspension from consideration for award of District contracts and subcontracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workplace Fraud Amendment Act of 2012".

Sec. 2. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Designate sections 1 through 11 as Title I.

(b) A new Title II is added to read as follows:

"TITLE II. WORKPLACE FRAUD ACT.

"Sec. 201. Definitions.

"For the purposes of this title, the term:

"(1) "Construction services" includes, without limitation, all building or work on buildings, structures, and improvements of all types such as bridges, dams, plants, highways, parkways, streets, tunnels, sewers, mains, power lines, pumping stations, heaving generators, railways, airports, terminals, docks, piers, wharves, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing and landscaping. The term "construction services"

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shall also include moving construction-related materials on the job site.

“(2) “Employee” means every person, other than an exempt person or an independent contractor, providing construction services to another person.

“(3) “Employer” means any individual, partnership, firm, association, joint stock company, trust, limited liability company, corporation, the administrator or executor of the estate of a deceased individual or the receiver, trustee, or successor of any of the same, or any other legal entity permitted to do business within the District of Columbia employing a person to provide services, or any person or group of persons acting directly or indirectly in the interest of an employer.

“(4) “Exempt person” means an individual who:

“(A)(i) Performs services in a personal capacity and who employs no individuals other than a spouse, child, or immediate family member of the individual; or

“(ii) Performs services free from direction and control over the means and manner of providing the services, subject only to the right of the person or entity for whom services are provided to specify the desired result;

“(B) Furnishes the tools and equipment necessary to provide the service; and

“(C) Operates a business that is considered inseparable from the individual for purposes of taxes, profits, and liabilities, in which the individual exercises complete control over the management and operations of the business.

“(5) “Interested party” means a person with an interest in compliance with this title.

“(6) “Knowingly” means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for, the prohibition involved.

“(7) “Mayor” mean the Mayor of the District of Columbia or his or her designated agent or agents.

“(8) “Stop work order” means written notice from the Mayor to an employer to cease or hold work until the employer is given notice by the Mayor to resume work.

“Sec. 202. Application.

“This title shall apply only to the construction services industry.

“Sec. 203. Deemed employers.

“For the purposes of this title, the officers of a corporation and any agents having the management thereof who knowingly permit the corporation to violate this title shall be deemed to be the employers of the employees of the corporation.

Sec. 204. Workplace fraud prohibited.

“(a) An employer shall not improperly classify an individual who performs services for remuneration paid by an employer as an independent contractor.

“(b) An employer has improperly classified an individual when an employer-employee relationship exists, as determined by subsection (c) of this section, but the employer has not classified the individual as an employee.



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“(c) An employer-employee relationship shall be presumed to exist when work is performed by an individual for remuneration paid by an employer, unless to the satisfaction of the Mayor, the employer demonstrates that:

“(1) The individual is an exempt person; or

“(2)(A) The individual who performs the work is free from control and direction over the performance of services, subject only to the right of the person or entity for whom services are provided to specify the desired result;

“(B) The individual is customarily engaged in an independently established trade, occupation, profession, or business; and

“(C) The work is outside of the usual course of business of the employer for whom the work is performed.

“Sec. 205. Investigation of complaints.

“(a) The Mayor, pursuant to a complaint from an employee, a representative of an employee, an interested party, or on his or her own initiative, shall investigate violations of this title.

“(b) The Mayor may:

“(1) Enter and inspect the premises or place of business, employment, or work site, and upon demand examine and copy, wholly or partly, any or all books, registers, payrolls, and other records, including those required to be made, kept, and preserved under this title or under any regulation issued pursuant to this title;

“(2) Question an employer, employee, or other person in the premises, place of business or employment, or work site;

“(3) Require from any employer full and correct statements in writing, including sworn statements, upon forms prescribed or approved by the Mayor, with respect to the payment of wages, hours, names, addresses, and such other information pertaining to remuneration to employees or independent contractors as the Mayor may determine necessary or appropriate; and

“(4) Investigate such facts, conditions, or matters as the Mayor may determine necessary or appropriate to determine whether this title or any regulation issued pursuant to this title has been or is being violated.

“(c)(1) The Mayor, in the performance of any duty or the execution of any power prescribed by this title, may administer oaths or affirmations, hold hearings, certify official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of books, papers, documents, records, and testimony.

“(2) In case of failure of any person to comply with a lawful subpoena or of the refusal of any witness to produce evidence or to testify to any matter about which he or she may be lawfully interrogated, the Superior Court of the District of Columbia, upon the application of the Mayor or the Mayor's designee, may compel obedience by proceedings for contempt as provided in section 12(e) of the Office of Administrative Hearings

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Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-076; D.C. Official Code § 2-1831.09(e)).

“(d) An employer that fails to produce to the Mayor the books and records requested in the course of an investigation to determine whether the employer is in compliance with the provisions of this title shall be subject to an administrative penalty not to exceed \$500 per day for each day the requested records are not produced.

“(e) Nothing contained in this title shall be deemed a limitation on any power or authority of the Mayor under any law which may be otherwise applicable to administer or enforce this title.

“Sec. 206. Hearings.

“(a)(1) Within 15 days after service of notice of a violation, an alleged violator may submit a written request to the Mayor to hold a hearing on the alleged violation.

“(2) Upon receipt of a timely request, the Mayor shall conduct a hearing in accordance with the procedures set forth in Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and issue a decision within 30 days after the hearing.

“(b) If the Mayor, after investigation but before a hearing, has cause to believe that a person is violating any provision of this title and the violation has caused, or may cause, immediate and irreparable harm to the public, the Mayor may issue a stop work order requiring the alleged violator to immediately cease and desist construction-related business activities. The order shall be served by certified mail or delivery in person.

“(c)(1) Within 10 days after service of a stop work order, the alleged violator may submit a written request to the Mayor for an expedited hearing on the alleged violation

“(2) Upon receipt of a timely request for an expedited hearing, the Mayor shall conduct a hearing within 10 days after the date of receiving the request and shall deliver to the alleged violator at his or her last known address a written notice of the hearing by any means guaranteed to be received at least 5 days before the hearing date.

“(3) The Mayor shall issue a decision within 10 days after an expedited hearing.

“(d) Any party aggrieved by a final order of the Mayor under subsection (c)(3) of this section may seek judicial review and appeal under section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

“Sec. 207. Penalties.

“(a) Any employer who violates or fails to comply with the requirements of this title shall be subject to a civil penalty of not less than \$1,000, and not more than \$5,000, for each violation. Each employee who is not properly classified in violation of this title shall be considered a separate violation.

“(b) An employer who violates section 210 shall be subject to a civil penalty of not less than \$5,000, and not more than \$10,000, for each such violation.

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“(c) In addition to the penalties provided in subsections (a) and (b) of this section, an employer may be subject to a stop work order, and may be ordered to make restitution, pay any interest due, and otherwise comply with all applicable laws and regulations.

“(d) Within 30 days of the final order, an employer found in violation of this title shall be required to:

“(1) Pay restitution to or on behalf of any individual not properly classified; and

“(2) Otherwise come into compliance with all applicable labor laws, including those related to income tax withholding, unemployment insurance, wage and hour laws, and workers’ compensation.

“(e) Notwithstanding subsections (a) and (b) of this section, an employer who has been found to have violated this title more than twice in a 2-year period:

“(1) Shall have the choice of being assessed an administrative penalty of \$20,000 for each employee that was not properly classified, or be debarred for 5 years; and

“(2) If an employer is debarred pursuant to paragraph (1) of this subsection, the employer shall be subject to a civil penalty of not less than \$5,000, and not more than \$10,000, for each employee that was not properly classified, and may be ordered to make restitution, pay any interest due, and otherwise comply with all applicable laws and regulations.

“(f) Any penalty issued under this section against an employer shall be in effect against any successor corporation or business entity that:

“(1) Has one or more of the same principals or officers as the employer against whom the penalty was assessed; and

“(2) Is engaged in the same or equivalent trade or activity.

“Sec. 208. Provisions of law may not be waived by agreement.

“No provision of this title may in any way be contravened or set aside by private agreement. Any agreement between an employer and employee in which the employee, despite not being an exempt person, agrees to be classified as an independent contractor shall be no defense to any action to recover unpaid wages or liquidated damages.

“Sec. 209. Private right of action.

“(a) A person aggrieved by a violation of this title, or any rule issued pursuant to this title, by an employer or entity may bring a civil action in any court of competent jurisdiction within 3 years after the occurrence of the alleged violation of title. A person whose rights have been violated under this title by an employer or entity is entitled to collect:

“(1) The amount of any wages, salary, employment benefits, or other compensation denied or lost to the person by reason of the violation, plus an additional equal amount in liquidated damages;

“(2) Compensatory damages and an amount up to \$500 for each violation of this title or any rule issued pursuant to this title; and

“(3) In the case of unlawful retaliation, all legal or equitable relief as may be

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appropriate.

“(b) A court may order the following:

“(1) Reinstatement and the payment of back wages;

“(2) Fringe benefits;

“(3) Seniority rights;

“(4) Treble damages for lost wages or benefits; or

“(5) Any combination of the remedies set forth in paragraphs (1) through (4)

of

this subsection .

“(c) The court shall allow for reasonable attorneys fees and costs of the action to be paid by the defendant.

“Sec. 210. Retaliation prohibited.

“(a) An employer may not discriminate in any manner or take adverse action against any person because the person:

“(1) Makes an oral or written complaint with the employer or the Mayor alleging that the employer violated any provision of this title or any rule issue pursuant to this title;

“(2) Brings an action or initiates a proceeding involving a violation of this title;

“(3) Testifies in an action authorized under this title or a proceeding involving a violation of the provisions of this title or any rule issued pursuant to this title; or

“(4) Assists in an investigation by providing information to a litigant in a civil action, the Mayor, or another agency in proceedings as provided by title

“(b)(1) A person who believes that an employer has discriminated in any manner or taken adverse action against the person in violation of this title may submit to the Mayor a written complaint, signed by the complainant, that alleges the discrimination.

“(2) Upon receipt of a complaint, the Mayor shall conduct an investigation.

“Sec. 211. Provisions relating to contracts with public bodies.

“(a) Where, after investigation, the Mayor determines that an employer who is or has engaged in work on a project funded by District funds is in violation of this title, the Mayor shall:

“(1) Withhold from payment due to the employer an amount that is sufficient to:

“(A) Pay restitution to each employee according to section 209, including any applicable prevailing wages; and

“(B) Pay any benefits, taxes, or other contributions that are required by law to be paid on behalf of the employee.

“(2) Upon a final determination, the Mayor shall release the full amount of the withheld funds if no violation is found, or if a violation is found, the balance of the withheld funds after all obligations are satisfied pursuant to paragraph (1) of this subsection.

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“(b) An employer found to be in violation of this section more than twice in a 2-year period shall be subject to debarment. A debarment under this section shall be in effect against any successor corporation or business entity that:

“(1) Has one or more of the same principals or officers as the employer against whom the debarment was imposed; and

“(2) Is engaged in the same or equivalent trade or activity.

“Sec. 212. Employer record-keeping requirements.

“(a) An employer shall keep, for at least 3 years, in or about its place of business, records of the employer containing the following information:

“(1) The name, address, occupation, and classification of each employee, exempt person, or independent contractor;

“(2) The rate of pay of each employee or method of payment for the independent contractor or exempt person;

“(3) The classification of each individual as an employee, exempt person, or an independent contractor;

“(4) The amount that is paid each pay period to each employee, exempt person, or independent contractor;

“(5) The hours that each employee, exempt person, or independent contractor works each day and each work week;

“(6) For all individuals who are not classified as employees, evidence that each individual is an exempt person or an independent contractor or an employee thereof; and

“(7) Other information that the Mayor requires, by regulation, as necessary to enforce this title.

“(b)(1) An employer shall provide each individual classified as an independent contractor or exempt person with written notice of such classification at the time the individual is hired.

“(2) The written notice shall include:

“(A) An explanation of the implications of the individual’s classification as an independent contractor or exempt person rather than as an employee, in compliance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), and

“(B) Contact information for the Mayor.

“(3) Failure to provide a written notice shall be evidence of a knowing violation.

The employer shall be liable for an administrative penalty of \$500 for each individual that the employer failed to notify.

“(4) The Mayor shall adopt regulations establishing specific requirements for the content and form of the notice within 180 days of the effective date of this title and, the adoption of such regulations shall be a prerequisite to the obligation to furnish the notice.

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“Sec. 213. Further acts prohibited; penalty.

“(a) A person who knowingly incorporates or forms, or assists in the incorporation or formation of, a corporation, partnership, limited liability company, or other entity, or pays or collects a fee for use of a foreign or domestic corporation, partnership, limited liability corporation, or other entity for the purpose of facilitating, or evading detection of, a violation of this title shall be subject to a civil penalty not less than \$5,000 and not to exceed \$20,000.

“(b) A person who knowingly conspires with, aids and abets, assists, advises, or facilitates, an employer with the intent of violating this title shall be subject to a civil penalty not less than \$5,000 and not to exceed \$20,000.

“Sec. 214. Rules.

“The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

“Sec. 215. Workplace Fraud Fund.

“There is established as a nonlapsing fund the Workplace Fraud Fund (“Fund”). Each civil penalty collected pursuant to this title shall be paid into the Fund to partially offset the administration, investigation, and other expenses incurred in implementing this title. All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, but shall be continually available for the administration of this title without regard to fiscal year limitation, subject to authorization of Congress.”

Sec. 3. Section 907(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.07(c)), is amended as follows:

(a) Paragraph (6) is amended by striking the word “or” at the end.

(b) A new paragraph (6A) is added to read as follows:

“(6A) A violation of Title II of An Act To provide for the payment and collection of wages in the District of Columbia, passed on 2<sup>nd</sup> reading on December 18, 2012 (Enrolled version of Bill 19-169); and”.

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Sec. 4. Applicability.

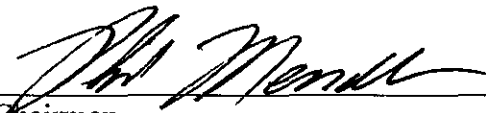
Sections 205, 206, and 212(e) of this title shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
February 8, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-669

Codification  
District of Colum  
Official Code  
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 5, 2013

To amend Article 9 of the Uniform Commercial Code, relating to secured transactions, to provide greater guidance as to the name of the debtor to be provided on a financing statement when the debtor is an individual, corporation, limited liability company, or limited partnership or when the collateral is held in a statutory or common-law trust or in a decedent's estate, and to provide greater protection for an existing secured party having a security interest in after-acquired property when its debtor relocates to another state or merges with another entity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Commercial Code Article 9 Amendments Act of 2012".

Sec. 2. Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) The section heading for section 28:9-316 is amended by striking the phrase "Continued perfection of security interest following" and inserting the phrase "Effect of" in its place.

(2) A new Part 8 is added at the end:

"Part 8. Transition Provisions for 2012 Amendments.

"28:9-801. Definitions.

"28:9-802. Savings clause.

"28:9-803. Security interest perfected before applicability date.

"28:9-804. Security interest unperfected before applicability date.

"28:9-805. Effectiveness of action taken before applicability date.

"28:9-806. When initial financing statement suffices to continue effectiveness of financing statement.

"28:9-807. Amendment of pre-effective-date financing statement.

"28:9-808. Person entitled to file initial financing statement or continuation statement.

"28:9-809. Priority."

(b) Section 28:9-102(a) is amended as follows:

(1) Paragraph (7)(B) is amended to read as follows:



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“(B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.”.

(2) Paragraph (10) is amended by adding a sentence at the end to read as follows: “The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral.”.

(3) Paragraphs (68) through (80) are redesignated as paragraphs (69) through (81), respectively;

(4) A new paragraph (68) is added to read as follows:

“(68) “Public organic record” means a record that is available to the public for inspection and is:

“(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

“(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

“(C) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.”.

(5) The newly designated paragraph (71) is amended to read as follows:

“(71) “Registered organization” means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with the issuance of a public organic record by, or the enactment of legislation by, the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust’s organic record be filed with the state.”.

(c) Section 28:9-105 is amended to read as follows:

“§ 28:9-105. Control of electronic chattel paper.

“(a) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

“(b) A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

“(1) A single authoritative copy of the record or records exists which is

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unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this subsection, unalterable;

“(2) The authoritative copy identifies the secured party as the assignee of the record or records;

“(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

“(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;

“(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

“(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.”

(d) Section 28:9-307(f)(2) is amended by striking the semicolon and inserting the phrase “, including by designating its main office, home office, or other comparable office;” in its place.

(e) Section 28:9-311(a)(3) is amended to read as follows:

“(3) A statute of another jurisdiction which provides for a security interest to be indicated on a certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.”

(f) Section 28:9-316 is amended as follows:

(1) The section heading is amended by striking the phrase “Continued perfection of security interest following” and inserting the phrase “Effect of” in its place.

(2) New subsections (h) and (i) are added to read as follows:

“(h) The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

“(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

“(2) If a security interest perfected by a financing statement that is effective under paragraph (1) of this subsection becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

“(i) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

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“(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under § 28:9-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

“(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 28:9-301(1) or § 28:9-305(c) or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.”.

(g) Section 28:9-317 is amended as follows:

(1) Subsection (b) is amended by striking the phrase “security certificate” and inserting the phrase “certificated security” in its place.

(2) Subsection (d) is amended by striking the phrase “accounts, electronic chattel paper, electronic documents, general intangibles, or investment property other than” and inserting the phrase “collateral other than tangible chattel paper, tangible documents, goods, instruments, or” in its place.

(h) Section 28:9-326 is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) Subject to subsection (b) of this section, a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that would be ineffective to perfect the security interest but for the application of § 28:9-316(i)(1) or 28:9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement.”.

(2) Subsection (b) is amended by striking the phrase “that are effective solely under § 28:9-508” and inserting the phrase “described in subsection (a) of this section” in its place.

(i) Section 28:9-406(e) is amended by striking the period and inserting the phrase “, other than a sale pursuant to a disposition under § 28:9-610 or an acceptance of collateral under § 28:9-620.” in its place.

(j) Section 28:9-408(b) is amended by striking the period and inserting the phrase “, other than a sale pursuant to a disposition under § 28:9-610 or an acceptance of collateral under § 28:9-620.” in its place.

(k) Section 28:9-502(c)(3) is amended to read as follows:

“(3) The record satisfies the requirements for a financing statement in this section, but:

“(A) The record need not indicate that it is to be filed in the real

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property records; and

“(B) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom § 28:9-503(a)(4) applies; and”.

(l) Section 28:9-503 is amended to read as follows:

“§ 28:9-503. Name of debtor and secured party.

“(a) A financing statement sufficiently provides the name of the debtor:

“(1) Except as otherwise provided in paragraph (3) of this subsection, if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization’s name on the public organic record most recently filed with or issued or enacted by the registered organization’s jurisdiction of organization which purports to state, amend, or restate the registered organization’s name;

“(2) Subject to subsection (f) of this section, if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

“(3) If the collateral is held in a trust that is not a registered organization, only if the financing statement:

“(A) Provides, as the name of the debtor:

“(i) If the organic record of the trust specifies a name for the trust, the name specified; or

“(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

“(B) In a separate part of the financing statement:

“(i) If the name is provided in accordance with subparagraph (A)(i) of this paragraph, indicates that the collateral is held in a trust; or

“(ii) If the name is provided in accordance with subparagraph (A)(ii) of this paragraph, provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

“(4) Subject to subsection (g) of this section, if the debtor is an individual to whom the District has issued a driver’s license that has not expired, or to whom the agency of the District that issues driver’s licenses has issued, instead of a driver’s license, a special identification card that has not become invalid, only if the financing statement provides the name of the individual which is indicated on the driver’s license or special identification card;

“(5) If the debtor is an individual to whom paragraph (4) of this subsection

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does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

“(6) In other cases:

“(A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

“(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

“(b) A financing statement that provides the name of the debtor in accordance with subsection (a) of this section is not rendered ineffective by the absence of:

“(1) A trade name or other name of the debtor; or

“(2) Unless required under subsection (a)(6)(B) of this section, names of partners, members, associates, or other persons comprising the debtor.

“(c) A financing statement that provides only the debtor’s trade name does not sufficiently provide the name of the debtor.

“(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

“(e) A financing statement may provide the name of more than one debtor and the name of more than one secured party.

“(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the “name of the decedent” under subsection (a)(2) of this section.

“(g) If the District has issued to an individual more than one driver’s license, or special identification card, of a kind described in subsection (a)(4) of this section, the one that was issued most recently is the one to which subsection (a)(4) of this section refers.

“(h) In this section, the “name of the settlor or testator” means:

“(1) If the settlor is a registered organization, the name that is stated to be the settlor’s name on the public organic record most recently filed with or issued or enacted by the settlor’s jurisdiction of organization which purports to state, amend, or restate the settlor’s name; or

“(2) In other cases, the name of the settlor or testator indicated in the trust’s organic record.”

(m) Section 28:9-507(c) is amended to read as follows:

“(c) If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under § 28:9-503(a) so that the financing statement becomes seriously misleading under § 28:9-506:

“(1) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the filed financing statement becomes seriously misleading; and

“(2) The financing statement is not effective to perfect a security interest in

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collateral acquired by the debtor more than 4 months after the filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after the financing statement became seriously misleading.”.

(n) Section 28:9-515(f) is amended by striking the phrase “filed financing statement” and inserting the phrase “filed initial financing statement” in its place.

(o) Section 28:9-516(b) is amended as follows:

(1) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word “correction” and inserting the word “information” in its place.

(B) Subparagraph (C) is amended by striking the phrase “last name” and inserting the word “surname” in its place.

(2) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is amended by adding the word “or” after the semicolon.

(B) Subparagraph (B) is amended to read as follows:

“(B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization.”.

(C) Subparagraph (C) is repealed.

(p) Section 28:9-518 is amended to read as follows:

“§ 28:9-518. Claim concerning inaccurate or wrongfully filed record.

“(a) A person may file in the filing office an information statement with respect to a record indexed there under the person’s name if the person believes that the record is inaccurate or was wrongfully filed.

“(b) An information statement under subsection (a) of this section shall:

“(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

“(2) Indicate that it is an information statement; and

“(3) Provide the basis for the person’s belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person’s belief that the record was wrongfully filed.

“(c) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under § 28:9-509(d).

“(d) An information statement under subsection (c) of this section shall:

“(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

“(2) Indicate that it is an information statement; and

“(3) Provide the basis for the person’s belief that the person that filed the

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record was not entitled to do so under § 28:9-509(d).

“(e) The filing of an information statement does not affect the effectiveness of an initial financing statement or other filed record.”.

(q) Section 28:9-521 is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in § 28:9-516(b):

“UCC FINANCING STATEMENT

“FOLLOW INSTRUCTIONS

“A. NAME & PHONE OF CONTACT AT FILER (optional)

“ \_\_\_\_\_

“B. E-MAIL CONTACT AT FILER (optional)

“ \_\_\_\_\_

“C. SEND ACKNOWLEDGMENT TO: (Name and Address)

“ \_\_\_\_\_

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“1. DEBTOR'S NAME : Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name; if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here [ ] and provide the Individual Debtor information in item 10 of the Finance Statement Addendum Form (Form UCC1Ad)

“1a. ORGANIZATION'S NAME

“ \_\_\_\_\_

“OR

“1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

“ \_\_\_\_\_

“ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

“ \_\_\_\_\_

“1c. MAILING ADDRESS

“ \_\_\_\_\_

“CITY STATE POSTAL CODE COUNTRY

“ \_\_\_\_\_

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"2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name; if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here [ ] and provide the Individual Debtor information in item 10 of the Finance Statement Addendum Form (Form UCC1Ad).

"2a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

" \_\_\_\_\_

"2c. MAILING ADDRESS

" \_\_\_\_\_

"CITY STATE POSTAL CODE COUNTRY

" \_\_\_\_\_

"3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

"3a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"3b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"3c. MAILING ADDRESS

" \_\_\_\_\_

"CITY STATE POSTAL CODE COUNTRY

" \_\_\_\_\_

"4. COLLATERAL: This financing statement covers the following collateral:

" \_\_\_\_\_

"5. Check only if applicable and check only one box:

"Collateral is  held in a Trust (see Instructions)



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being administered by a Decedent's Personal Representative.

"6a. Check only if applicable and check only one box:

Public-Finance Transaction  Manufactured-Home Transaction

A Debtor is a Transmitting Utility

"6b. Check only if applicable and check only one box:

Agricultural Lien  Non-UCC Filing

"7. ALTERNATIVE DESIGNATION (if applicable):  Lessee/Lessor  Consignee/Consignor  Seller/Buyer  Bailee/Bailor  Licensee/Licensor

"8. OPTIONAL FILER REFERENCE DATA

" \_\_\_\_\_

"[UCC FINANCING STATEMENT (Form UCC1)]

"UCC FINANCING STATEMENT ADDENDUM

"FOLLOW INSTRUCTIONS

"9. NAME OF FIRST DEBTOR: Same as item 1a or 1b on Financing Statement; if line 1b was left blank because Individual Debtor name did not fit, check here [ ].

"9a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"9b. INDIVIDUAL'S SURNAME

" \_\_\_\_\_

"FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

" \_\_\_\_\_

"THE ABOVE SPACE IS FOR

"FILING OFFICE USE ONLY

"10. DEBTOR'S NAME: Provide (10a or 10b) only one additional Debtor name or Debtor name that did not fit in line 1b or 2b of the Financing Statement (Form UCC1) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name and enter the mailing address in line 10c)

"10a. ORGANIZATION'S NAME

" \_\_\_\_\_

ENROLLED ORIGINAL

"OR

"10b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

" \_\_\_\_\_

"10c. MAILING ADDRESS

" \_\_\_\_\_

"CITY STATE POSTAL CODE COUNTRY

" \_\_\_\_\_

"11.  ADDITIONAL SECURED PARTY'S NAME or  ASSIGNOR SECURED PARTY'S NAME: Provide only one name (11a or 11b)

"11a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"11b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"11c. MAILING ADDRESS

" \_\_\_\_\_

"CITY STATE POSTAL CODE COUNTRY

" \_\_\_\_\_

"12. ADDITIONAL SPACE FOR ITEM 4 (Collateral)

" \_\_\_\_\_

"13.  This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS (if applicable)

"14. This FINANCING STATEMENT:

covers timber to be cut  covers as-extracted collateral  is filed as a fixture filing

"15. Name and address of a RECORD OWNER of real estate described in item 16 (if Debtor does not have a record interest):

" \_\_\_\_\_

"16. Description of real estate:

ENROLLED ORIGINAL

“  
\_\_\_\_\_  
“17. MISCELLANEOUS:  
“  
\_\_\_\_\_

“[UCC FINANCING STATEMENT ADDENDUM (Form UCC1Ad)]”.

(2) Subsection (b) is amended to read as follows:

“(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in § 28:9-516(b):

“UCC FINANCING STATEMENT AMENDMENT

“FOLLOW INSTRUCTIONS

“A. NAME & PHONE OF CONTACT AT FILER (optional)

“  
\_\_\_\_\_

“B. E-MAIL CONTACT AT FILER (optional)

“  
\_\_\_\_\_

“C. SEND ACKNOWLEDGMENT TO: (Name and Address)

“  
\_\_\_\_\_

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“1a. INITIAL FINANCING STATEMENT FILE NUMBER

“  
\_\_\_\_\_

“1b.  This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

“Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor’s name in item 13.

“2.  TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of

Secured Party authorizing this Termination Statement

“3.  ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

“4.  CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured

Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

ENROLLED ORIGINAL

"5.  PARTY INFORMATION CHANGE:

"Check one of these two boxes:

"This Change affects  Debtor or  Secured Party of record.

"AND

"Check one of these three boxes to:

CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item 7c.

ADD name: Complete item 7a or 7b, and item 7c.

DELETE name: Give record name to be deleted in item 6a or 6b.

"6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name (6a or 6b) (use exact, full

name; do not omit, modify, or abbreviate any word in the Debtor's name)

"6a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party Information Change - provide only one name (7a or

"7b) (use exact full name; do not omit, modify, or abbreviate any part of the Debtor's name)

"7a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

" \_\_\_\_\_

"7c. MAILING ADDRESS

" \_\_\_\_\_

ENROLLED ORIGINAL

"CITY STATE POSTAL CODE COUNTRY
"

"8. [ ] COLLATERAL CHANGE:

"Also check one of these four boxes:

"[ ] ADD collateral [ ] DELETE collateral [ ] RESTATE covered collateral

"[ ] ASSIGN collateral

"Indicate collateral:

"9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT - provide only one name (9a or 9b) (name of

Assignor, if this is an Assignment)

"If this is an Amendment authorized by a DEBTOR, check here [ ] and provide name of authorizing Debtor

"9a. ORGANIZATION'S NAME

"

"OR

"9b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

"

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

"

"10. OPTIONAL FILER REFERENCE DATA

"

"[UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]

"UCC FINANCING STATEMENT AMENDMENT ADDENDUM

"FOLLOW INSTRUCTIONS

"11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a on Amendment form)

"

"12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

"12a. ORGANIZATION'S NAME

"

"OR

"12b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ENROLLED ORIGINAL

“ \_\_\_\_\_

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ \_\_\_\_\_

“THE ABOVE SPACE IS FOR

“FILING OFFICE USE ONLY

“13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in some

filing offices - see Instruction for item 13; Provide only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or

abbreviate any part of the Debtor’s name; see Instructions if name does not fit)

“13a. ORGANIZATION’S NAME

“ \_\_\_\_\_

“OR

“13b. INDIVIDUAL’S SURNAME FIRST PERSONAL NAME

“ \_\_\_\_\_

“ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

“ \_\_\_\_\_

“14. ADDITIONAL SPACE FOR ITEM 8 (Collateral)

“ \_\_\_\_\_

“15. This FINANCING STATEMENT AMENDMENT:  covers timber to be cut

covers as-extracted collateral  is filed as a fixture filing

“16. Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

“ \_\_\_\_\_

“17. Description of real estate

“ \_\_\_\_\_

“18. MISCELLANEOUS:

“ \_\_\_\_\_

“[UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)]”.

ENROLLED ORIGINAL

(2) Subsection (b) is amended to read as follows:

“(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in § 28:9-516(b):

“UCC FINANCING STATEMENT AMENDMENT

“FOLLOW INSTRUCTIONS

“A. NAME & PHONE OF CONTACT AT FILER (optional)

“ \_\_\_\_\_

“B. E-MAIL CONTACT AT FILER (optional)

“ \_\_\_\_\_

“C. SEND ACKNOWLEDGMENT TO: (Name and Address)

“ \_\_\_\_\_

“THE ABOVE SPACE IS FOR  
“FILING OFFICE USE ONLY

“1a. INITIAL FINANCING STATEMENT FILE NUMBER

“ \_\_\_\_\_

“1b.  This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

“Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor’s name in item 13.

“2.  TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of

Secured Party authorizing this Termination Statement

“3.  ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

“4.  CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured

Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

“5.  PARTY INFORMATION CHANGE:

“Check one of these two boxes:

“This Change affects  Debtor or  Secured Party of record.

“AND

“Check one of these three boxes to:

ENROLLED ORIGINAL

CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item 7c.

ADD name: Complete item 7a or 7b, and item 7c.

DELETE name: Give record name to be deleted in item 6a or 6b.

"6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name (6a or 6b) (use exact, full

name; do not omit, modify, or abbreviate any word in the Debtor's name)

"6a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party Information Change - provide only one name (7a or "7b) (use exact full name; do not omit, modify, or abbreviate any word in the Debtor's name)

"7a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

" \_\_\_\_\_

"7c. MAILING ADDRESS

" \_\_\_\_\_

"CITY STATE POSTAL CODE COUNTRY

" \_\_\_\_\_

"8.  COLLATERAL CHANGE:

"Also check one of these four boxes:

ADD collateral  DELETE collateral  RESTATE covered collateral

ASSIGN collateral

"Indicate collateral:



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"9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT - provide only one name (9a or 9b)

(name of

Assignor, if this is an Assignment)

"If this is an Amendment authorized by a DEBTOR, check here  and provide name of authorizing Debtor

"9a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"9b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"10. OPTIONAL FILER REFERENCE DATA

" \_\_\_\_\_

"[UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]

"UCC FINANCING STATEMENT AMENDMENT ADDENDUM

"FOLLOW INSTRUCTIONS

"11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a on Amendment form)

" \_\_\_\_\_

"12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

"12a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"12b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"THE ABOVE SPACE IS FOR

"FILING OFFICE USE ONLY

"13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in some filing offices - see Instruction for item 13 - insert only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

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"13a. ORGANIZATION'S NAME

" \_\_\_\_\_

"OR

"13b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

" \_\_\_\_\_

"ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

" \_\_\_\_\_

"14. ADDITIONAL SPACE FOR ITEM 8 (Collateral)

" \_\_\_\_\_

"15. This FINANCING STATEMENT AMENDMENT:  covers timber to be cut

covers as-extracted collateral  is filed as a fixture filing

"16. Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

" \_\_\_\_\_

"17. Description of real estate

" \_\_\_\_\_

"18. MISCELLANEOUS:

" \_\_\_\_\_

"[UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)]".

(r) Section 28:9-607(b)(2)(A) is amended by striking the semicolon and inserting the phrase "with respect to the obligation secured by the mortgage;" in its place.

(s) A new Part 8 is added to read as follows:

"Part 8.

"Transition Provisions for 2012 Amendments.

"§ 28:9-801. Definitions.

"In this part:

"(1) "Applicability date" means July 1, 2013.

"(2) "2012 Act" means the Uniform Commercial Code Article 9 Amendments Act of 2012.

"§ 28:9-802. Savings clause.

"(a) Except as otherwise provided in this part, the amendments made by the 2012 Act apply to a transaction or lien within its scope, even if the transaction or lien was entered into or created before the applicability date.

"(b) The 2012 Act does not affect an action, case, or proceeding commenced before the applicability date.

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“§ 28:9-803. Security interest perfected before applicability date.

“(a) A security interest that is a perfected security interest immediately before the applicability date is a perfected security interest under Article 9 as amended by the 2012 Act if, on the applicability date, the applicable requirements for attachment and perfection under Article 9 as amended by 2012 Act are satisfied without further action.

“(b) Except as otherwise provided in § 28:9-805, if, immediately before the applicability date, a security interest is a perfected security interest, but the applicable requirements for perfection under Article 9 as amended by the 2012 Act are not satisfied on the applicability date, the security interest remains perfected thereafter only if the applicable requirements for perfection under Article 9 as amended by the 2012 Act are satisfied within one year after the applicability date.

“§ 28:9-804. Security interest unperfected before applicability date.

“A security interest that is an unperfected security interest immediately before the applicability date becomes a perfected security interest:

“(1) Without further action, on the applicability date, if the applicable requirements for perfection under Article 9 as amended by the 2012 Act are satisfied before or at that time; or

“(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

“§ 28:9-805. Effectiveness of action taken before applicability date.

“(a) The filing of a financing statement before the applicability date is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under Article 9 as amended by the 2012 Act.

“(b) The 2012 Act does not render ineffective an effective financing statement that, before the applicability date, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before the applicability date. However, except as otherwise provided in subsections (c) and (d) of this section and § 28:9-806, the financing statement ceases to be effective:

“(1) If the financing statement is filed in the District, at the time the financing statement would have ceased to be effective had the 2012 Act not taken effect; or

“(2) If the financing statement is filed in another jurisdiction, at the earlier of:

“(A) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

“(B) June 30, 2018.

“(c) The filing of a continuation statement after the applicability date does not continue the effectiveness of a financing statement filed before the applicability date. However, upon the timely filing of a continuation statement after the applicability date and in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act, the effectiveness of a financing statement filed in the same office in that jurisdiction before the applicability date continues for the period provided by

## ENROLLED ORIGINAL

the law of that jurisdiction.

“(d) Subsection (b)(2)(B) of this section applies to a financing statement that, before the applicability date, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Article 9 as it existed before the applicability date, only to the extent that Article 9 as amended by the 2012 Act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

“(e) A financing statement that includes a financing statement filed before the applicability date and a continuation statement filed after the applicability date only to the extent that it satisfies the requirements of this part as added by the 2012 Act for an initial financing statement. A financing statement that indicates that the debtor is a decedent’s estate indicates that the collateral is being administered by a personal representative within the meaning of § 28:9-503(a)(2) as amended by the 2012 Act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of § 28:9-503(a)(3) as amended by the 2012 Act.

“§ 28:9-806. When initial financing statement suffices to continue effectiveness of financing statement.

“(a) The filing of an initial financing statement in the office specified in § 28:9-501 continues the effectiveness of a financing statement filed before the applicability date if:

“(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under Article 9 as amended by the 2012 Act;

“(2) The pre-effective-date financing statement was filed in an office in another state; and

“(3) The initial financing statement satisfies subsection (c) of this section.

“(b) The filing of an initial financing statement under subsection (a) of this section continues the effectiveness of the pre-effective-date financing statement:

“(1) If the initial financing statement is filed before the applicability date, for the period provided in § 28:9-515 as it existed before the applicability date with respect to an initial financing statement; and

“(2) If the initial financing statement is filed after the applicability date, for the period provided in § 28:9-515 as amended by the 2012 Act with respect to an initial financing statement.

“(c) To be effective for purposes of subsection (a) of this section, an initial financing statement must:

“(1) Satisfy the requirements of Part 5 as amended by the 2012 Act for an initial financing statement;

“(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file

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numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

“(3) Indicate that the pre-effective-date financing statement remains effective.

“§ 28:9-807. Amendment of pre-effective-date financing statement.

“(a) For the purposes of this section and § 28:9-806, “pre-effective-date financing statement” means a financing statement filed before the applicability date.

“(b) After the applicability date, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

“(c) Except as otherwise provided in subsection (d) of this section, if the law of the District governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after the applicability date only if:

“(1) The pre-effective-date financing statement and an amendment are filed in the office specified in § 28:9-501;

“(2) An amendment is filed in the office specified in § 28:9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies § 28:9-806(c); or

“(3) An initial financing statement that provides the information as amended and satisfies § 28:9-806(c) is filed in the office specified in § 28:9-501.

“(d) If the law of the District governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under § 28:9-805(c) and (e) or § 28:9-806.

“(e) Whether or not the law of the District governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in the District may be terminated after the applicability date by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies § 28:9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Article 9 as amended by the 2012 Act as the office in which to file a financing statement.

“§ 28:9-808. Person entitled to file initial financing statement or continuation statement.

“A person may file an initial financing statement or a continuation statement under this part if:

“(a) The secured party of record authorizes the filing; and

“(b) The filing is necessary under this part:

“(1) To continue the effectiveness of a financing statement filed before the applicability date; or

ENROLLED ORIGINAL

“(2) To perfect or continue the perfection of a security interest.

“§ 28:9-809. Priority.

“Article 9 as amended by the 2012 Act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before the applicability date, Article 9 as it existed before the applicability date determines priority.”.

Sec. 3. Conforming amendment.

Section 28:2A-103(c) of the District of Columbia Official Code is amended by striking the phrase “§ 28:9-102(a)(68)” in the definition of “Pursuant to commitment” and inserting the phrase “§ 28:9-102(a)(69)” in its place.

Sec. 4. Applicability.

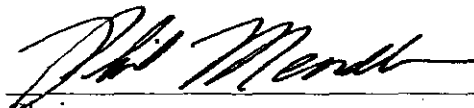
This act shall apply as of July 1, 2013.

Sec. 5. Fiscal impact statement.

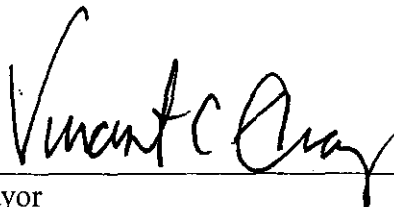
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-670

Codification  
 District of Columbi  
 Official Code  
 2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2013

To amend the Health Occupations Revision Act of 1985 to require the registration of pharmacy technicians, and to regulate the practice of pharmacy technicians.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pharmacy Technician Amendment Act of 2012".

Sec. 2. The Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding the following after the phrase "Sec. 745. Penalties":

"TITLE VII-E. REGISTERED PHARMACY TECHNICIANS.

"Sec. 751. Definitions.

"Sec. 752. Registration.

"Sec. 753. Identification.

"Sec. 754. Trainees.

"Sec. 755. Authorized services.

"Sec. 756. Waiver of requirements.

"Sec. 757. Other pharmacy-related services.

"Sec. 758. Rules."

(b) Section 208(b)(1) (D.C. Official Code § 3-1202.08(b)(1)) is amended to read as follows:

"(1) The Board shall regulate the practice of pharmacy, the practice of pharmaceutical detailing, and the practice of pharmacy technicians."

(c) Section 501(a) (D.C. Official Code §3-1205.01(a)) is amended by striking the phrase "or dental assistant" and inserting the phrase "dental assistant, or pharmacy technician or trainee" in its place.

(d) A new Title VII-E is added to read as follows:

"TITLE VII-E

"REGISTERED PHARMACY TECHNICIANS.

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“Sec. 751. Definitions.

“For the purposes of this title, the term:

“(1) “Board” means the Board of Pharmacy.

“(2) “Direct supervision” means, with respect to the supervision of a pharmacy technician or pharmacy technician trainee, that a licensed pharmacist is:

“(A) Physically present at the same pharmacy as the pharmacy technician or pharmacy technician trainee and in the general vicinity of the pharmacy technician or pharmacy technician trainee;

“(B) Readily available to answer questions of the pharmacy technician or pharmacy technician trainee;

“(C) Making appropriate in-process and end-process verifications of the activities of the pharmacy technician or pharmacy technician trainee; and

“(D) Fully responsible for the practice of the pharmacy technician or pharmacy technician trainee.

“(3) “Pharmacy technician trainee” means a person enrolled in a Board-approved training program who may perform the duties of a registered pharmacy technician under the direct supervision of a pharmacist in a licensed pharmacy in the District.

“(4) “Registered pharmacy technician” means a person who is registered with the Board as a pharmacy technician.

“Sec. 752. Registration.

“(a) Except as provided in section 754 and subsection (d) of this section, a person shall not engage in practice as a pharmacy technician in the District unless the person holds a valid registration issued by the Board and practices under the direct supervision of a person licensed to practice pharmacy under this act.

“(b) To be eligible for registration as a pharmacy technician, a person shall provide proof acceptable to the Board that he or she has:

“(1) A high school diploma or its equivalent, or has passed a Board-approved examination that proves that he or she has achieved competency in the educational skills required to perform the function of a pharmacy technician; and

“(2)(A) A current certification from the Pharmacy Technician Certification Board, the National Healthcareer Association, or another national or state certifying organization approved by the Board; or

“(B) Successfully completed one of the following types of pharmacy training programs, which shall include a Board-approved exam:

“(i) A national, regional, or state accredited pharmacy technician training program recognized by the Board;

“(ii) A pharmacy technician program at a college or university that is accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation;



## ENROLLED ORIGINAL

“(iii) An employer-based pharmacy technician training program recognized by the Board that includes within a one-year period a minimum of 160 hours of training, including theoretical and practical instruction; or

“(iv) A pharmacy technician program that meets the guidelines of the American Society of Health-System Pharmacists, is licensed by the District of Columbia Educational Licensure Commission, and has certified to the Board its intent to pursue accreditation upon becoming eligible to do so.

“(c) Notwithstanding subsection (b) of this section, for a period of one year after the effective date of rules issued pursuant to section 758, a person who does not meet the requirements for registration under subsection (b) of this section shall be eligible for registration as a pharmacy technician if:

“(1) The person is at least 17 years of age;

“(2) The person submits proof, acceptable to the Board, that he or she has worked as a pharmacy technician for at least the 24 months immediately before the effective date of the Pharmacy Technician Amendment Act of 2012, passed on 2<sup>nd</sup> reading on December 18, 2012 (Enrolled version of Bill 19-293); and

“(3) A licensed pharmacist who has supervised the applicant for at least the 6 months immediately before the date the person applies for registration attests in writing that the person has competently performed the functions of a pharmacy technician.

“(d) Notwithstanding subsection (a) of this section, for a period of one year after the effective date of the rules issued pursuant to section 758, a person who is not eligible for registration under subsection (b) or (c) of this section may engage in practice as a pharmacy technician if the person:

“(1) Has received training to competently and safely perform the tasks assigned; and

“(2) Engages in the practice as a pharmacy technician under the direct supervision of a pharmacist licensed under this act.

“Sec. 753. Identification.

“A registered pharmacy technician shall wear a name tag bearing the title “registered pharmacy technician” and display his or her current registration in a conspicuous place in the pharmacy in which he or she is employed.

“Sec. 754. Trainees.

“(a) The Board shall issue rules regulating the duties and scope of the practice of pharmacy technician trainees.

“(b) The Board, through rulemaking, may require that pharmacy technician trainees register with the Board.

“(c) A pharmacy technician trainee shall not use a title other than pharmacy technician trainee and shall wear a name tag bearing the title “pharmacy technician trainee”.

“Sec. 755. Authorized services.

“(a) A registered pharmacy technician may provide technical pharmacy-related

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services, as defined through rulemaking, that do not require professional judgment regarding the preparation and distribution of drugs if the technical services are provided under the direct supervision of a pharmacist licensed under this act.

“(b) Notwithstanding subsection (a) of this section, a registered pharmacy technician shall not provide the following services:

- “(1) Drug regimen review;
- “(2) Clinical conflict resolution;
- “(3) Prescriber contact, except for receiving authorization of prescription refills;
- “(4) Therapy modification;
- “(5) Patient counseling;
- “(6) Dispensing process validation;
- “(7) Vaccination or immunization administration;
- “(8) Receiving a new prescription drug order over the telephone;
- “(9) Any activity required by law or regulation to be performed only by a pharmacist; or
- “(10) Any activity for which professional pharmaceutical judgment is required.

“Sec. 756. Waiver of requirements

“The Board shall waive the educational and examination requirements under section 752(b) for any applicant for registration or registration renewal who can demonstrate to the satisfaction of the Board that he or she has been performing the function of a pharmacy technician on a full-time or substantially full-time basis continually for at least 24 months immediately preceding the effective date of the Pharmacy Technician Amendment Act of 2012, passed on 2<sup>nd</sup> reading on December 18, 2012 (Enrolled version of Bill 19-293)(“Pharmacy Act”), and is qualified to do so on the basis of pertinent education, training, experience, and demonstrated current experience; provided, that the application is made within 24 months of the effective date of the Pharmacy Act.

“Sec. 757. Other pharmacy-related services.

(a) Unless otherwise authorized by the Board, an individual who works at a pharmacy and is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this act, may perform only ancillary pharmacy services, such as:

- “(1) Cashiering;
- “(2) Bookkeeping;
- “(3) Pricing;
- “(4) Stocking;
- “(5) Delivering;
- “(6) Answering nonprofessional telephone inquiries; and
- “(7) Documenting third-party reimbursement.

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(b) An individual who is not licensed or registered by the Board as a pharmacist or pharmacy intern or authorized to perform the services of a pharmacy technician under this act shall not perform the tasks of a:

- “(1) Pharmacist;
- “(2) Pharmacy intern;
- “(3) Pharmacy technician; or
- “(4) Pharmacy technician trainee.

“Sec. 758. Rules.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.”

(e) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (l-1) to read as follows:

“(l-1) Unless authorized to practice as a registered pharmacy technician under this act, a person shall not use or imply the use of the words or terms “registered pharmacy technician”, “certified pharmacy technician”, “pharmacy technician”, “R.Ph.T.”, “C.Ph.T.”, “Ph.T.”, or any similar title or description of services with the intent to represent that the person practices as a registered pharmacy technician.”

(f) Section 1006 (D.C. Official Code § 3-1210.06) is amended by adding a new subsection (c) to read as follows:

“(c) Consistent with maintaining patient safety, no pharmacist shall supervise more pharmacy technicians and trainees than he or she can safely supervise. The pharmacist shall be fully responsible for the practice of each technician and trainee during the period of supervision and may be subject to disciplinary action for any violation of this act by a technician or trainee he or she supervises.”

### Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

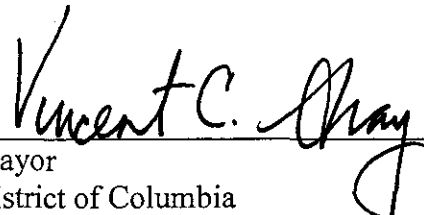
### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

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approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 5, 2013

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 12, 2013Codification  
District of Columbi  
Official Code  
2001 Edition

Summer 2013

To establish the Interstate Compact on Educational Opportunity for Military Children to allow for uniform treatment of military children transferring between school districts and states.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interstate Compact on Educational Opportunity for Military Children Establishment Act of 2012".

Sec. 2. The District of Columbia adopts the Interstate Compact on Educational Opportunity for Military Children.

Sec. 3. Purpose and policy.

It is the purpose of the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- (1) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of educational records from the previous school district or variations in entrance or age requirements;
- (2) Facilitating the student-placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;
- (3) Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
- (4) Facilitating the on-time graduation of children of military families;
- (5) Providing for the promulgation and enforcement of administrative rules implementing the provisions of the Interstate Compact on Educational Opportunity for Military Children;
- (6) Providing for the uniform collection and sharing of information between and among member states, schools, and military families;
- (7) Promoting coordination between the Interstate Compact on Educational

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Opportunity for Military Children and other compacts affecting military children; and

(8) Promoting flexibility and cooperation between the educational system, parents, and students to achieve educational success for the students.

Sec. 4. Definitions.

For the purposes of this act, unless the context clearly requires a different construction, the term:

(1) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§1209 and 1211.

(2) "Children of military families" means school-aged children, enrolled in Kindergarten through 12<sup>th</sup> grade in the household of an active duty member.

(3) "Compact" means the Interstate Compact on Educational Opportunity for Military Children.

(4) "Compact commissioner" means the voting representative of each compacting state appointed pursuant to section 10.

(5) "Deployment" means the period one month before a service member's departure from the home station on military orders through 6 months after return to the home station.

(6) "Educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance, records of academic work completed, records of achievement, and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(7) "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(8) "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created in section 10, generally referred to as the Interstate Commission.

(9) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12<sup>th</sup> grade public educational institutions.

(10) "Member state" means a state that has enacted this compact.

(11) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility that is located within any of the several states, the

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District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory. The term does not include any facility used primarily for civil works, river and harbor projects, or flood-control projects.

(12) "Non-member state" means a state that has not enacted this compact.

(13) "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

(14) "Rule" means a written statement by the Interstate Commission promulgated pursuant to section 13 that is of general applicability and implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(15) "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(16) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory.

(17) "State Council" means the District of Columbia Educational Opportunity for Military Children State Council established in section 21.

(18) "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in a grade from kindergarten through 12<sup>th</sup> grade.

(19) "Transition" means:

(A) The formal and physical process of transferring from school to school; or

(B) The period of time in which a student moves from one school in the sending state to another school in the receiving state.

(20) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

(21) "Veteran" means a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

#### Sec. 5. Applicability.

(a) Except as otherwise provided in subsection (b) of this section, this compact shall apply to the children of:

(1) Active duty members of the uniformed services;

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge

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or retirement; and

(3) Members of the uniformed services who have died on active duty or as a result of injuries sustained on active duty for a period of one year after death.

(b) The provisions of this compact shall only apply to local education agencies as defined in this compact.

(c) The provisions of this compact shall not apply to the children of:

(1) Inactive members of the National Guard and military reserves;

(2) Members of the uniformed services now retired, except as provided in subsection (a) of this section;

(3) Veterans of the uniformed services, except as provided in subsection (a) of this section; or

(4) Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Sec. 6. Educational records and enrollment.

(a) If official educational records cannot be released to the parents of a student for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational record to the school in the receiving state within 10 days or within such time as is reasonably established under the rules promulgated by the Interstate Commission.

(c) Compacting states shall give students 30 days from the date of enrollment, or such time as is reasonably established under the rules promulgated by the Interstate Commission, to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days, or within such time as is reasonably established under the rules promulgated by the Interstate Commission.

(d) Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in



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the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

Sec. 7. Placement and attendance.

(a)(1) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes Honors, International Baccalaureate, Advanced Placement, vocational, and technical and career-pathways courses.

(2) Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include gifted and talented programs and English-as-a-second-language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c)(1) In compliance with the federal requirements of the Individuals with Disabilities Education Improvement Act, approved December 3, 2004 (118 Stat. 2647; 20 U.S.C. §1400 *et seq.*), the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program; and

(2) In compliance with the requirements of section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and with Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. §§ 12131-12165), the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This requirement does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(d) Local education agency administrative officials shall have flexibility in waiving course and program prerequisites and other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

(e) A student whose parent, or legal guardian, is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat-support posting shall be granted additional excused absences at the discretion of the local education agency to visit with his or her parent or legal guardian based on the leave or deployment of the

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parent or guardian.

Sec. 8. Eligibility for enrollment.

(a) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(b) A local education agency shall be prohibited from charging local tuition to a transitioning student placed in the care of a non-custodial parent or other person standing in *loco parentis* who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning student placed in the care of a noncustodial parent or other person standing in *loco parentis* who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(d) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified to be included.

Sec. 9. Graduation.

(a) To facilitate the on-time graduation of children of military families, states and local education agencies shall adopt the following procedures:

(1) Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for the denial of a waiver. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means for the student to acquire the required coursework so that his or her graduation may occur on time.

(2) States shall accept:

(A) Exit or end-of-course exams required for graduation from the sending state;

(B) National norm referenced achievement tests; or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. If the above-referenced alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of subsection (b) of this section shall apply.

(b) Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. If one of the states in question is not a member of this compact, the member state shall use its best efforts to

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facilitate the on-time graduation of the student in accordance with subsection (a) of this section.

Sec. 10. Interstate Commission on Educational Opportunity for Military Children.

(a) The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function.

(b) The Interstate Commission shall:

(1) Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in this act, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

(2) Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner;

(3) Consist of ex-officio, non-voting representatives who are members of interested organizations, which, as defined in the bylaws, may include members of:

(A) The representative organizations of military family advocates;

(B) Local education agency officials;

(C) Parent and teacher groups;

(D) The U.S. Department of Defense;

(E) The Education Commission of the States;

(F) The Interstate Agreement on Qualification of Educational

Personnel; and

(G) Other interstate compacts affecting the education of children of military members;

(4) Meet at least once each calendar year; provided, that chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(5) Establish an executive committee, which shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session and whose members shall:

(A) Include the officers of the Interstate Commission, and such other members of the Interstate Commission as determined by the bylaws, and a delegate of the U.S. Department of Defense, who shall serve as an ex-officio, nonvoting member;

(B) Serve a one-year term and be entitled to one vote each;

and

(C) Oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as considered necessary;

(6) Establish bylaws and rules that provide for conditions and procedures

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under which the Interstate Commission shall make its information and official records available to the public for inspection or copying; provided, that it may exempt from disclosure, information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(7) Give public notice of all meetings and conduct all meetings open to the public, except as set forth in the rules or as otherwise provided in the compact; provided, that the Interstate Commission and its committees may close a meeting, or a portion thereof, when it determines by two-thirds vote that an open meeting would be likely to:

(A) Relate solely to the Interstate Commission's internal personnel practices and procedures;

(B) Disclose matters specifically exempted from disclosure by federal and state statute;

(C) Disclose trade secrets or commercial or financial information that is privileged or confidential;

(D) Involve accusing a person of a crime or formally censuring a person;

(E) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) Disclose investigative records compiled for law enforcement purposes; or

(G) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

(8) Cause its legal counsel, or designee, to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, that is closed pursuant to this provision;

(9) Keep minutes that shall fully and clearly describe all matters discussed in the meeting and shall provide a full and accurate summary of actions taken, and the reasons for those actions, including a description of the views expressed, the record of a roll-call vote, and the identification of all documents considered in connection with an action; provided, that all minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

(10) Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements; provided, that the methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and be in coordination its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

(11) Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the

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compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency.

(c)(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state. If the compact commissioner is unable to attend a meeting of the Interstate Commission, the Mayor or the Council of the District of Columbia may delegate voting authority to another person from the District of Columbia for a specified meeting.

(4) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

(d) This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

#### Sec. 11. Powers and duties of the Interstate Commission.

The Interstate Commission shall have the power to:

(1) Provide for dispute resolution among member states;

(2) Promulgate rules and take all necessary actions to effect its goals, purposes, and obligations as enumerated in this compact; which rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

(3) Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, or actions;

(4) Enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws using all necessary and proper means, including the use of the judicial process;

(5) Establish and maintain offices, which shall be located within one or more of the member states;

(6) Purchase and maintain insurance and bonds;

(7) Borrow, accept, hire, or contract for services of personnel;

(8) Establish and appoint committees, including the executive committee required by section 10(b)(5), which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(9) Elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(10) Accept any and all donations and grants of money, equipment, supplies,

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materials, and services, and to receive, utilize, and dispose of the same;

(11) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(13) Establish a budget and make expenditures;

(14) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(15) Report annually to the legislatures, governors, the Mayor of the District of Columbia, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year, including any recommendations that may have been adopted by the Interstate Commission;

(16) Coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in compact activities;

(17) Establish uniform standards for the reporting, collecting, and exchanging of data;

(18) Maintain corporate books and records in accordance with the bylaws;

(19) Perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

(20) Provide for the uniform collection and sharing of information between and among member states and the schools and military families affected under this compact.

#### Sec. 12. Organization and operation of the Interstate Commission.

(a) The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an executive committee, and such other committees as may be necessary;

(3) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

(6) Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment of, and the reservation of funds for payment of, all of its debts

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and obligations; and

(7) Providing start-up rules for the initial administration of the compact.

(b) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) The officers elected pursuant to subsection (b) of this section shall serve without compensation or remuneration from the Interstate Commission; provided, that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred in the performance of their responsibilities as officers of the Interstate Commission.

(d)(1) The executive committee shall have such authority and duties as may be set forth in the bylaws, which shall include:

(A) Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(B) Overseeing an organizational structure and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(C) Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations to advance the goals of the Interstate Commission.

(2) The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission considers appropriate.

(3) The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission.

(4) The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

(e) The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(f)(1) The liability of the Interstate Commission's executive director and its employees or Interstate Commission representatives, acting within the scope of their employment or duties for acts, errors, or omissions occurring within such person's state may

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not exceed the limits of liability set forth under the laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action.

(2) Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(g) The Interstate Commission shall defend the executive director and its employees, and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(h) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

### Sec. 13. Rulemaking functions of the Interstate Commission.

(a) The Interstate Commission shall promulgate reasonable rules to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, if the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act or the powers granted pursuant to this act, then such exercise by the Interstate Commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that substantially conforms to the Model State Administrative Procedure Act (1981), Uniform Laws Annotated, Vol. 15, p.1 (2000), as amended, as may be appropriate to the operations of the Interstate Commission.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be



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unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

(d) If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

Sec. 14. Oversight, enforcement, and dispute resolution.

(a)(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the Interstate Commission.

(3)(A) The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

(B) Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

(b)(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the bylaws or promulgated rules, the Interstate Commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission; provided, that the Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(B) Provide remedial training and specific technical assistance regarding the default; and

(C) If the defaulting state fails to cure the default, terminate the defaulting state from the compact upon an affirmative vote of a majority of the member states, along with all rights, privileges, and benefits conferred by this compact from the effective date of termination.

(2) A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of the default.

(3) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Mayor and the Council, and each of the member states.

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(4) The state that has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

(5) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless it is otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c)(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and which may arise among member states and between member and non-member states.

(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(d)(1) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) The Interstate Commission may, by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, or its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

#### Sec. 15. Financing of the Interstate Commission.

(a) The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

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(c) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of member state, except by and with the authority of the member state.

(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the Interstate Commission.

Sec. 16. Local agency participation.

(a) Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities.

(b) Each member state may determine the membership of its own State Council; provided, that its membership includes:

- (1) The State Superintendent of Education;
- (2) A representative from a military installation;
- (3) One representative each from the legislative and executive branches of government; and
- (4) Representatives of other offices and stakeholder groups the State Council considers appropriate.

(c) A member state that does not have a school district considered to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

(d) The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(e) The compact commissioner responsible for the administration and management of the state's participation in the compact, in the case of the District of Columbia, shall be appointed by the Mayor, or as otherwise determined by this member state.

(f) The compact commissioner and the appointed or designated military family education liaison shall be ex-officio members of the State Council, unless there is already a full-voting member of the State Council.

Sec. 17. Member states, effective date, and amendment.

(a) Any state is eligible to become a member state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no fewer than 10 states. The effective date shall be no earlier than

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December 1, 2007. After December 1, 2007, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

(c) The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Sec. 18. Withdrawal and dissolution.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the statute that enacted the compact into law, but the repeal shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of the notice of withdrawal.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including the performance of obligations that extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

(f)(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds distributed in accordance with the bylaws.

Sec. 19. Severability and construction.

(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally construed to effectuate its

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purposes.

(c) Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

Sec. 20. Binding effect of compact and other laws.

(a) Nothing in this act prevents the enforcement of any other law of a member state that is not inconsistent with this compact. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

(b)(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(3) If any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 21. District of Columbia State Interstate Compact Council.

(a) There is established the District of Columbia Educational Opportunity for Military Children State Council. The State Council shall be composed of 7 members. The State Council shall provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the compact. The members of the State Council shall be:

(1) The Chairman of the Council, or his or her designee;

(2) The Mayor, or his or her designee;

(3) The State Superintendent of Education;

(4) A representative from a District military installation appointed by the U.S. Department of Defense;

(5) The Chancellor, or his or her designee;

(6) A public charter school leader designated by the Chairman of the Public Charter School Board; and

(7) A parent representative appointed by the Mayor.

(b) Five members of the State Council shall constitute a quorum for the transaction of official business and the issuance of rules and regulations.

(c)(1) The Mayor shall designate a chairman of the State Council from among its members.

(2) The State Council shall meet at least 3 times in each year on the call of its chairman or at the request of a majority of its members.

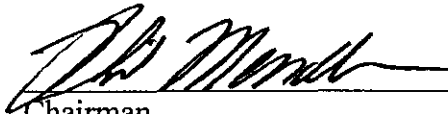
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## Sec. 22. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

## Sec. 23. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia

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UNSIGNED

Mayor

District of Columbia

February 8, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-672

Codification  
District of Colum  
Official Code  
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 8, 2013

To amend Title 29 of the District of Columbia Official Code (Business Organizations) to provide for the incorporation of benefit corporations, for the rights, duties and obligations of benefit corporations and their shareholders, directors, and officers, and to impose powers and duties on the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Benefit Corporation Act of 2012".

Sec. 2. Title 29 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

"13. Benefit Corporations."

(b) A new Chapter 13 is added to read as follows:

"CHAPTER 13. BENEFIT CORPORATIONS.

"Subchapter I. Preliminary Provisions.

Section

"29-1301.01. Short title.

"29-1301.02. Definitions.

"29-1301.03. Applicability; construction.

"29-1301.04. Formation of benefit corporations.

"29-1301.05. Election of status.

"29-1301.06. Termination of status.

"Subchapter II. Corporate Purposes.

"29-1302.01. Corporate purposes.

"Subchapter III. Accountability.

"29-1303.01. Standard of conduct for directors.

"29-1303.02. Benefit director.

"29-1303.03. Standard of conduct for officers.

"29-1303.04. Benefit officer.

"29-1303.05. Right of action.

"Subchapter IV. Transparency.

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"29-1304.01. Annual benefit report.

"Subchapter I. Preliminary Provisions.

"§ 29-1301.01. Short title.

"This chapter may be cited as the "Benefit Corporation Act of 2012".

"§ 29-1301.02. Definitions.

"(a) For the purposes of this chapter, the term:

"(1) "Benefit corporation" means a business corporation:

"(A) That has elected to become subject to this chapter; and

"(B) The status of which as a benefit corporation has not been terminated

under § 29-1301.06.

"(2) "Benefit director" means either:

"(A) The director designated as the benefit director of a benefit corporation under § 29-1303.02; or

"(B) A person with one or more of the powers, duties, or rights of a benefit director to the extent provided in the bylaws under § 29-1303.02.

"(3) "Benefit enforcement proceeding" means any claim or action for:

"(A) Failure of a benefit corporation to pursue or create general public benefit or a specific public benefit purpose set forth in its articles of incorporation; or

"(B) A violation of any obligation, duty, or standard of conduct under this chapter.

"(4) "Benefit officer" means the individual designated as the benefit officer of a benefit corporation under § 29-1303.04.

"(5) "General public benefit" means the material positive impact that the business and operations of a benefit corporation has on society and the environment, taken as a whole, assessed against a third-party standard.

"(6) "Independent", subject to subsection (b) of this section, means having no material relationship with a benefit corporation or a subsidiary of the benefit corporation. A person who serves as a benefit director or benefit officer is not independent by virtue of such service. A material relationship between a person and a benefit corporation or any of its subsidiaries will be conclusively presumed to exist if any of the following apply:

"(A) The person is, or has been within the last 3 years, an employee other than a benefit officer of the benefit corporation or a subsidiary of the benefit corporation.

"(B) An immediate family member of the person is, or has been within the last 3 years, an executive officer other than a benefit officer of the benefit corporation or its subsidiary.

"(C) There is beneficial or record ownership of 5% or more of the outstanding shares of the benefit corporation by:

"(i) The person; or

"(ii) An entity of which the person is a director, an officer, or a manager or in which the person owns beneficially or of record 5% or more of the outstanding



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equity interests.

“(7) “Minimum status vote” means:

“(A) In the case of a business corporation, in addition to any other required approval or vote, the satisfaction of the following conditions:

“(i) The shareholders of every class or series shall be entitled to vote as a separate voting group on the corporate action regardless of a limitation stated in the articles of incorporation or bylaws on the voting rights of any class or series.

“(ii) The corporate action must be approved by vote of the shareholders of each voting group entitled to cast at least 2/3 of the votes that all shareholders of the voting group are entitled to cast on the action.

“(B) In the case of an entity other than a business corporation, in addition to any other required approval, vote, or consent, the satisfaction of the following conditions:

“(i) The holders of each class or series of equity interest in the entity that are entitled to receive a distribution of any kind from the entity shall be entitled as a separate voting group to vote on or consent to the action regardless of any otherwise applicable limitation on the voting or consent rights of any class or series.

“(ii) The action must be approved by vote or consent of each voting group described in sub-subparagraph (i) of this subparagraph entitled to cast at least 2/3 of the votes or consents that all the members of the group are entitled to cast on the action.

“(8) “Specific public benefit” includes:

“(A) Providing low-income or underserved individuals or communities with beneficial products or services;

“(B) Promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;

“(C) Preserving the environment;

“(D) Improving human health;

“(E) Promoting the arts, sciences, or advancement of knowledge;

“(F) Increasing the flow of capital to entities with a public benefit purpose;

and

“(G) The accomplishment of any other particular benefit on society or the environment.

“(9) “Subsidiary” means, subject to subsection (b) of this section, in relation to a person, an entity in which the person owns beneficially or of record 50% or more of the outstanding equity interests.

“(10) “Third-party standard” means a recognized standard for defining, reporting, and assessing corporate social and environmental performance that is:

“(A) Comprehensive in that it assesses the effect of the business and its operations upon the interests listed in § 29-1303.01(a)(1)(B), (C), (D), and (E);

“(B) Developed by an organization that is independent of the benefit corporation and satisfies the following requirements:

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“(i) Not more than 1/3 of the members of the governing body of the organization are representatives of any of the following:

“(I) An association of businesses operating in a specific industry the performance of whose members is measured by the third-party standard;

“(II) Businesses from a specific industry or an association of businesses in that industry; or

“(III) Businesses whose performance is assessed against the standard.

“(ii) The organization is not materially financed by an association or business described in sub-subparagraph (i) of this subparagraph;

“(C) Credible because the standard is developed by a person that both:

“(i) Has access to necessary expertise to assess overall corporate social and environmental performance; and

“(ii) Uses a balanced multi-stakeholder approach, including a public comment period of at least 30 days to develop the standard; and

“(D) Transparent because the following information is publicly available:

“(i) About the standard:

“(I) The criteria considered when measuring the overall social and environmental performance of a business; and

“(II) The relative weightings of those criteria; and

“(ii) About the development and revision of the standard:

“(I) The identity of the directors, officers, material owners, and the governing body of the organization that developed and controls revisions to the standard;

“(II) The process by which revisions to the standard and changes to the membership of the governing body are made; and

“(III) An accounting of the sources of financial support for the organization, with sufficient detail to disclose any relationships that could reasonably be considered to present a potential conflict of interest.

“(b) For purposes of the definitions of the terms “independent” and “subsidiary” in subsection (a) of this section, a percentage of ownership in an entity shall be calculated as if all outstanding rights to acquire equity interests in the entity have been exercised.

“§ 29-1301.03. Applicability; construction.

“(a) This chapter shall be applicable to all benefit corporations.

“(b) This chapter shall not affect a statute or rule of law that is applicable to a business corporation that is not a benefit corporation, and shall not in and of itself create an implication that a contrary or different rule is applicable to a business corporation and not a benefit corporation.

“(c) Except as otherwise provided in this chapter, Chapters 1, 2, and 3 of this title shall apply to a benefit corporation organized under this chapter. A benefit corporation may simultaneously be subject to this chapter and one or more other chapters of this title.

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“(d) A provision of the articles of incorporation or bylaws of a benefit corporation may not relax, be inconsistent with, or supersede a provision of this chapter.

“§ 29-1301.04. Formation of benefit corporations.

“A benefit corporation must be formed in accordance with Chapter 3 of this title, but its articles of incorporation must also state that it is a benefit corporation.

“§ 29-1301.05. Election of status.

“(a) An existing business corporation may become a benefit corporation under this chapter by amending its articles of incorporation so that they contain, in addition to the requirements of § 29-308.01, a statement that the corporation is a benefit corporation. To be effective, the amendment must be adopted by at least the minimum status vote.

“(b)(1) This subsection applies if all of the following apply:

“(A) An entity that is not a benefit corporation is:

“(i) A party to a merger or consolidation; or

“(ii) The exchanging entity in a share exchange; and

“(B) The surviving, new, or resulting entity in the merger, consolidation, or share exchange is to be a benefit corporation.

“(2) To be effective, a plan of merger, consolidation or share exchange subject to this subsection must be adopted by at least the minimum status vote.

“§ 29-1301.06. Termination of status.

“(a) A benefit corporation may terminate its status as a benefit corporation and cease to be subject to this chapter by amending its articles of incorporation and deleting the provision required by § 29-1301.05. To be effective, the amendment must be adopted by at least the minimum status vote.

“(b) If a plan would have the effect of terminating the status of a business corporation as a benefit corporation, to be effective, the plan must be adopted by at least the minimum status vote. Any sale, lease, exchange, or other disposition of all or substantially all of the assets of a benefit corporation, unless the transaction is in the usual and regular course of business, shall not be effective unless the transaction is approved by at least the minimum status vote.

“Subchapter II. Corporate Purposes.

“§ 29-1302.01. Corporate purposes.

“(a) A benefit corporation shall have a purpose of creating general public benefit. This purpose is in addition to its purpose under § 29-303.01.

“(b) The articles of incorporation of a benefit corporation may identify one or more specific public benefits that it is the purpose of the benefit corporation to create in addition to its purposes under § 29-303.01 and subsection (a) of this section. The identification of a specific public benefit under this subsection does not limit the obligation of a benefit corporation under subsection (a) of this section.

“(c) The creation of general public benefit and specific public benefit under subsections (a) and (b) of this section is in the best interests of the benefit corporation.

“(d) A benefit corporation may amend its articles of incorporation to add, amend, or

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delete the identification of a specific public benefit for that benefit corporation. To be effective, the amendment must be adopted by at least the minimum status vote.

“(e) A professional corporation that is a benefit corporation does not violate § 29-505 by having its purpose be to create general public benefit or a specific public benefit.

“Subchapter III. Accountability.

“§ 29-1303.01. Standard of conduct for directors.

“(a) In discharging the duties of their respective positions and in considering the best interests of the benefit corporation, the board of directors, committees of the board, and individual directors of a benefit corporation:

“(1) Shall consider the effects of any action upon:

“(A) The shareholders of the benefit corporation;

“(B) The employees and work force of the benefit corporation, its subsidiaries, and its suppliers;

“(C) The interests of customers as beneficiaries of the general public benefit or specific public benefit purposes of the benefit corporation;

“(D) Community and societal factors, including those of each community in which offices or facilities of the benefit corporation, its subsidiaries, or its suppliers are located;

“(E) The local and global environment;

“(F) The short-term and long-term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from its long-term plans and the possibility that these interests may be best served by the continued independence of the benefit corporation; and

“(G) The ability of the benefit corporation to accomplish its general public benefit purpose and any specific public benefit purpose;

“(2) May consider other pertinent factors or the interests of any other group that they deem appropriate; and

“(3) Need not give priority to the interests of a particular person or group referenced in paragraph (1) or (2) of this subsection over the interests of any other person or group, unless the benefit corporation has stated in its articles of incorporation its intention to give priority to certain interests related to its accomplishment of its general public benefit purpose or of a specific public benefit purpose identified in its articles of incorporation.

“(b) The consideration of interests and factors in the manner required by subsection (a) of this section does not constitute a violation of § 29-306.30.

“(c) A director is not personally liable for monetary damages for:

“(1) Any action taken as a director if the director performed the duties of office in compliance with § 29-306.30 and this section; or

“(2) Failure of the benefit corporation to create general public benefit or specific public benefit.

“(d) A director does not have a duty to a person that is a beneficiary of the general public benefit purpose or a specific public benefit purpose of a benefit corporation arising from the status

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of the person as a beneficiary.

“§ 29-1303.02. Benefit director.

“(a) The board of directors of a benefit corporation shall include one director, who:

“(1) Shall be designated the benefit director; and

“(2) Shall have, in addition to the powers, duties, rights, and immunities of the other directors of the benefit corporation, the powers, duties, rights, and immunities provided in this subchapter.

“(b) The benefit director shall be elected, and may be removed, in the manner provided by subchapter VI of Chapter 3 of this title, and shall be an individual who is independent. The benefit director may serve as the benefit officer at the same time as serving as the benefit director. The articles of incorporation or bylaws of a benefit corporation may prescribe additional qualifications of the benefit director not inconsistent with this section.

“(c) The benefit director shall prepare, and the benefit corporation shall include in the annual benefit report to shareholders required by § 29-1304.01, the opinion of the benefit director on each of the following:

“(1) Whether the benefit corporation acted in accordance with its general public benefit purpose and any specific public benefit purpose in all material respects during the period covered by the report; and

“(2) Whether the directors and officers complied with §§ 29-1303.01(a) and 29-1303.03(a), respectively.

“(3) If, in the opinion of the benefit director, the benefit corporation or its directors or officers failed to comply with §§ 29-1303.01(a) and 29-1303.03(a), a description of the ways in which the benefit corporation or its directors or officers failed to comply.

“(d) The acts of an individual in the capacity of a benefit director shall constitute for all purposes acts of that individual in the capacity of a director of the benefit corporation.

“(e)(1) If an agreement among the shareholders of a benefit corporation under § 29-305.42 provides that the powers and duties conferred or imposed upon the board of directors shall be exercised or performed by a person other than the directors, the bylaws of a benefit corporation must provide that the persons or shareholders who perform the duties of the board of directors include a person with the powers, duties, rights, and immunities of a benefit director.

“(2) A person that exercises one or more of the powers, duties or rights of a benefit director under this subsection:

“(A) Does not need to be independent of the benefit corporation;

“(B) Shall have the immunities of a benefit director;

“(C) May share the powers, duties, and rights of a benefit director with one or more other persons; and

“(D) Shall not be subject to the procedures for election or removal of directors in § 29-306 unless:

“(i) The person is also a director of the benefit corporation; or

“(ii) The bylaws make those procedures applicable.

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“(f) Regardless of whether the articles of incorporation of a benefit corporation include a provision eliminating or limiting the personal liability of directors authorized by § 29-302.02(b)(4), a benefit director shall not be personally liable for any action taken, or any failure to take any action, as a director, except liability for:

“(1) The amount of a financial benefit received by a director to which the director is not entitled;

“(2) An intentional infliction of harm on the corporation or the shareholders;

“(3) A violation of § 29-306.32; or

“(4) A violation of criminal law.

“§ 29-1303.03. Standard of conduct for officers.

“(a) Each officer of a benefit corporation shall consider the interests and factors described and in the manner provided in § 29-1303.01(a) if:

“(1) The officer has discretion to act with respect to a matter; and

“(2) It is reasonably apparent to the officer that the matter may have a material effect on the creation of general public benefit or a specific public benefit identified in the articles of incorporation of the benefit corporation.

“(b) The consideration of interests and factors as provided by subsection (a) of this section shall not constitute a violation of § 29-306.42.

“(c) An officer is not personally liable for monetary damages for:

“(1) Action taken as an officer if the officer performed the duties of the position in compliance with § 29-306.42 and this section; or

“(2) Failure of the benefit corporation to pursue or create general public benefit or specific public benefit.

“(d) An officer does not have a duty to a beneficiary of the general public benefit purpose or a specific public benefit purpose of a benefit corporation arising from the beneficiary’s status.

“§ 29-1303.04. Benefit officer.

“(a) A benefit corporation may designate a benefit officer.

“(b) A benefit officer shall have:

“(1) The powers and duties relating to the purpose of the corporation to create general public benefit or specific public benefit provided:

“(A) By the bylaws; or

“(B) Absent controlling provisions in the bylaws, by resolutions or orders of the board of directors; and

“(2) The duty to prepare the benefit report required by § 29-1304.01.

“§ 29-1303.05. Right of action.

“(a) Except in a benefit enforcement proceeding, no person may bring an action or assert a claim against a benefit corporation or its directors or officers with respect to:

“(1) Failure to pursue or create general public benefit or a specific public benefit set forth in its articles of incorporation; or

“(2) Violation of a duty or standard of conduct under this chapter.

## ENROLLED ORIGINAL

“(b) A benefit corporation shall not be liable for monetary damages under this chapter for any failure of the benefit corporation to pursue or create general public benefit or a specific public benefit.

“(c) A benefit enforcement proceeding may be commenced or maintained only:

“(1) Directly by the benefit corporation; or

“(2) Derivatively by:

“(A) A shareholder;

“(B) A director;

“(C) A person or group of persons that owns beneficially or of record 5% or more of the equity interests in an entity of which the benefit corporation is a subsidiary; or

“(D) Other persons as specified in the articles of incorporation or bylaws of the benefit corporation.

“Subchapter IV. Transparency.

“§ 29-1304.01. Annual benefit report.

“(a) A benefit corporation shall prepare an annual benefit report including all of the following:

“(1) A narrative description of:

“(A) The process and rationale for selecting the third-party standard used to prepare the benefit report;

“(B) The ways in which the benefit corporation pursued general public benefit during the year and the extent to which general public benefit was created;

“(C)(i) The ways in which the benefit corporation pursued a specific public benefit that the articles of incorporation state it is the purpose of the benefit corporation to create; and

“(ii) The extent to which that specific public benefit was created;

and

“(D) Any circumstances that have hindered the pursuit or creation of the general public benefit purpose and any specific public benefit purpose.

“(2) An assessment of the overall social and environmental performance of the benefit corporation against a third-party standard:

“(A) Applied consistently with the application of that standard in prior benefit reports; or

“(B) If the third-party standard was not applied consistently, an explanation of the reasons for any inconsistent application.

“(3) The name of the benefit director and the benefit officer, if any, and the address to which correspondence to each of them may be directed.

“(4) The compensation paid by the benefit corporation during the year to each director in the capacity of a director.

“(5) The name of each person that owns 5% or more of the outstanding shares of the benefit corporation either:

## ENROLLED ORIGINAL

“(A) Beneficially, to the extent known to the benefit corporation without independent investigation; or

“(B) Of record.

“(6) The statement of the benefit director described in § 29-1303.02(c).

“(7) A statement of any connection between the organization that established the third-party standard, or its directors, officers, or material owners, and the benefit corporation or its directors, officers, or material shareholders, including any financial or governance relationship which might materially affect the credibility of the use of the third-party standard.

“(8) If the benefit corporation has dispensed with or restricted the discretion or powers of the board of directors, a description of:

“(A) The persons that exercise the powers, duties, and rights and have the immunities of the board of directors; and

“(B) The person with the powers, duties, and rights of a benefit director if required by § 29-1303.02(e).

“(b) A benefit corporation shall annually send a benefit report to each shareholder:

“(1) Within 120 days following the end of the fiscal year of the benefit corporation; or

“(2) At the same time that the benefit corporation delivers any other annual report to its shareholders.

“(c) A benefit corporation shall post all of its benefit reports on the public portion of its website, if any, but the compensation paid to directors and financial or proprietary information included in the benefit reports may be omitted from the benefit reports as posted.

“(d) If a benefit corporation does not have a website, the benefit corporation shall provide a copy of its most recent benefit report, without charge, to any person that requests a copy.

“(e) The benefit corporation shall deliver a copy of the benefit report to the Mayor for filing when filing the biennial report required by § 29-102.11, but the compensation paid to directors and financial or proprietary information included in the benefit report may be omitted from the copy of the benefit report that is delivered to the Mayor.”.

(c) Section 29-102.13(a) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “10 and 12” and inserting the phrase “10, 12, and 13” in its place.

(2) Paragraph (2) is amended by striking the phrase “10 and 12” and inserting the phrase “10, 12, and 13” in its place.

(d) Section 29-102.12(d) is amended by striking the phrase “deemed disapproved” and inserting the phrase “deemed approved” in its place.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).



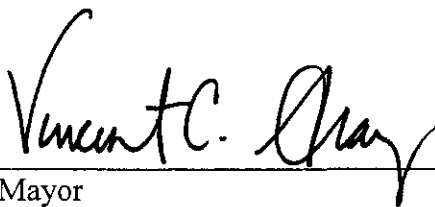
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 8, 2013

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-673

Codification  
District of Columbia  
Official Code  
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 5, 2013

To regulate the licensing and sale of insurance coverage for portable electronics; and to amend the Producer Licensing Act of 2002 to add portable electronics as a category of limited line insurance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Portable Electronics Insurance Amendment Act of 2012".

## TITLE I

## Sec. 101. Definitions.

For purposes of this title, the term:

(1) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(2) "Customer" means a person who purchases portable electronics or services.

(3) "District" means the District of Columbia.

(4) "Enrolled customer" means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.

(5) "Location" means any physical location in the District or any website, call center site, or similar location directed to residents of the District.

(6) "Portable electronics" means electronic devices that are portable in nature, their accessories and services related to the use of the device.

(7)(A) "Portable electronics insurance" means insurance providing coverage for the repair or replacement of portable electronics, which may provide coverage for portable electronics against any one or more of the following causes of loss:

(i) Loss;

(ii) Theft;

(iii) Inoperability due to mechanical failure;

(iv) Malfunction; or

(v) Damage or other similar causes of loss.

(B) The term "portable electronics insurance" does not

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include:

(i) A service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property for the operational or structural failure of property due to a defect in materials, workmanship, accidental damage from handling, power surges, or normal wear and tear;

(ii) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty; or

(iii) A homeowner's, renter's, private passenger automobile, commercial, multi-peril, or similar policy.

(8) "Portable electronics transaction" means:

(A) The sale or lease of portable electronics by a vendor to a customer; or

(B) The sale of a service related to the use of portable electronics by a vendor to a customer.

(9) "Supervising entity" means a business entity that is a licensed insurer or insurance producer that is appointed by an insurer to supervise the administration of a portable electronics insurance program.

(10) "Vendor" means a person in the business of engaging in portable electronics transactions directly or indirectly.

Sec. 102. License requirements; training; sale of plans.

(a) A vendor is required to hold a limited-lines license to sell or offer coverage under a policy of portable electronics insurance.

(b)(1) A limited-lines license issued under this section shall authorize any employee or authorized representative of the vendor to sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions and such employee or authorized representative shall not be subject to licensure as an insurance producer; provided, that the insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the training program, including development of a training program, for employees and authorized representatives of the vendors.

(2)(A) The training required by this subsection shall comply with the following requirements:

(i) The training shall be provided to employees and authorized representatives of vendors who are directly engaged in the activity of selling or offering portable electronics insurance;

(ii) The training may be provided in electronic form; provided, that, if conducted in an electronic form, the supervising entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising entity; and

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(iii) Each employee and authorized representative shall receive basic instruction about the portable electronics insurance offered to customers and the disclosures required under subsection (d) of this section.

(B) The training provided pursuant to this subsection shall not be subject to the prior approval requirement of section 5a(b) of the Producer Licensing Act of 2002, effective May 13, 2008 (D.C. Law 17-155; D.C. Official Code § 31-1131.05a(b)).

(c) No employee or authorized representative of a vendor of portable electronics shall advertise, represent, or otherwise hold himself or herself out as a non-limited lines licensed insurance producer.

(d) At every location where portable electronics insurance is offered to customers, brochures or other written materials must be made available to a prospective customer that:

(1) Disclose that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;

(2) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(3) Summarize the material terms of the insurance coverage, including:

(A) The identity of the insurer;

(B) The identity of the supervising entity;

(C) The amount of any applicable deductible and how it is to be paid;

(D) Benefits of the coverage; and

(E) Key terms and conditions of coverage, such as whether portable electronics may be repaired or replaced with similar make and model reconditioned or non-original manufacturer parts or equipment;

(4) Summarize the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(5) State that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

(e) Notwithstanding any other provision of law, employees or authorized representatives of a vendor of portable electronics shall not be compensated based primarily on the number of customers enrolled for portable electronics insurance coverage but may receive compensation for activities under the limited-lines license that is incidental to their overall compensation.

(f) The supervising entity appointed to supervise a vendor's portable electronics insurance program shall maintain a registry of vendor locations that are authorized to sell or solicit portable electronics insurance coverage in the District. Upon request by the Commissioner and with 10 days notice to the supervising entity, the registry shall be open to

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inspection and examination by the Commissioner during regular business hours of the supervising entity.

(g) Applications for licensure under this section shall be made by a vendor in accordance with section 6 of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.06), for residents of the District and section 8 of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.08), for non-residents. Information regarding a vendor's officers, directors, or shareholders submitted in connection with a vendor's application for licensure shall be limited to an employee or officer of the vendor that is designated by the applicant as the person responsible for the vendor's compliance with the requirements of this section; provided, that if the vendor derives more than 50% of its revenue from the sale of portable electronics insurance, the information shall be provided for all officers, directors, and shareholders of record having beneficial ownership of 10% or more of any class of securities registered under the federal securities law.

Sec. 103. Billing and collection of premiums.

(a) Charges for portable electronics insurance coverage may be billed and collected by the vendor of portable electronics. Any charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services shall be separately itemized on the enrolled customer's bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the portable electronics or related services.

(b) Vendors billing and collecting charges for portable electronics insurance coverage shall not be required to maintain funds collected in a segregated account; provided, that the vendor is authorized by the insurer to hold the funds in an alternative manner and remits the amounts to the supervising entity within 60 days of receipt. All funds received by a vendor from an enrolled customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer.

(c) Vendors may receive compensation for billing and collection services.

Sec. 104. Termination and modification of coverage.

(a) Notwithstanding any other provision of law:

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least 30 days notice.

(2) If the insurer changes the terms and conditions, then the insurer shall provide the vendor policyholder with a revised policy or endorsement and each enrolled

## ENROLLED ORIGINAL

customer with a revised certificate, endorsement, updated brochure, or other evidence indicating that a change in the terms and conditions has occurred and a summary of material changes.

(3) Notwithstanding paragraph (1) of this subsection, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon 15 days notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim under the policy.

(4) Notwithstanding paragraph (1) of this subsection, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(A) For nonpayment of premium;

(B) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(C) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within 30 days after exhaustion of the limit; provided, that if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer.

(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the enrolled customer at least 30 days before the termination.

(b)(1) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section or is otherwise required by law, it shall be in writing and sent within the notice period, if any, specified within the statute or regulation requiring the notice or correspondence. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this subsection.

(2) If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor's mailing address specified for such purpose and to its affected enrolled customer's last known mailing address on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service.

(3) If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for such purpose and to its affected enrolled customer's last known electronic mail address as

## ENROLLED ORIGINAL

provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For purposes of this subsection, an enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, shall be deemed consent to receive notices and correspondence by electronic means as long as disclosure to that effect is provided to the customer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice or correspondence was sent.

(c) Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer.

Sec. 105. Penalties.

(a) A vendor shall report any violation of this title to the Commissioner within 30 days of discovery of the violation by the vendor.

(b) If a vendor of portable electronics or its employee or authorized representative violates any provision of this title, the Commissioner may:

(1) After notice and hearing, impose fines not to exceed \$2,500 per violation or a \$10,000 maximum fine in the aggregate for such conduct; and

(2) After notice and hearing, impose other penalties that the Commissioner considers necessary and reasonable to carry out the purpose of this title, including:

(A) Suspending the privilege of transacting portable electronics insurance pursuant to this section at specific business locations where violations have occurred; and

(B) Suspending or revoking the ability of individual employees or authorized representatives to act under the limited lines license.

Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.

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TITLE II

Sec. 201. Section 7(a)(10) of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264, D.C. Official Code § 31-1131.07(a)(10)), is amended by adding a new subparagraph (C-i) to read as follows:

“(C-i) Portable electronics;”.

TITLE III

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
February 5, 2013



## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-674

Codification  
District of Columbia  
Official Code  
2001 Edition

Spring 2013

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 12, 2013

To require the Mayor to assess the potential safety impact from lower fines, to post general automated enforcement warning signs, to evaluate existing speed limits and revise existing speed limits through rulemaking, and to submit an automated enforcement expansion plan, to prohibit the Mayor from adopting an order, regulation, or rule concerning posted speed limits by emergency rulemaking, and to repeal any such order, regulation, or rule adopted after December 14, 2012; to amend the District of Columbia Traffic Adjudication Act of 1978 to modify the process for Council approval of mayoral changes to the fine schedule; to amend the Pedestrian Protection Amendment Act of 1987 with regard to when a vehicle must stop for a pedestrian in a marked crosswalk or unmarked crosswalk at an intersection; and to amend the District of Columbia Municipal Regulations to reduce traffic fines for certain moving violations, including speeding, failure to clear the intersection, failure to stop and give right-of-way to a pedestrian in a roadway, failure to come to a complete stop before turning right on red, and failure to obey a "no turn on red" sign.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safety-Based Traffic Enforcement Amendment Act of 2012".

## TITLE I -- ASSESSMENTS; AUTOMATED ENFORCEMENT PLAN; SIGNAGE

## Sec. 101. Safety impact of fine reductions.

Within 18 months of the effective date of this act, the Mayor shall transmit to the Council an assessment of the safety impact, if any, resulting from the reduced fines required by Title III of this act, which shall include a detailed analysis of any changes in moving violation rates and repeat violation rates.

## Sec. 102. Signs identifying the District as a strict enforcement zone.

Within 180 days of the effective date of this act, the Mayor shall post signs identifying the entire District as a strict traffic enforcement zone and warning that automated

## ENROLLED ORIGINAL

cameras are used to enforce a wide range of moving violations. The signs shall be posted throughout the District, in locations as determined by the Mayor to be necessary or appropriate.

Sec. 103. Automated enforcement expansion plan.

Not later than April 1, 2013, the Mayor shall transmit to the Council a plan for expansion of automated traffic enforcement in the District. The plan shall include:

- (1) An explanation of the plan, its goals, and the strategies to achieve the goals, such as red light, speed, fixed, and mobile;
- (2) A recommended number of automated enforcement cameras, by category, that should be deployed in the District to achieve appropriate levels of enforcement and associated traffic safety results;
- (3) A timeline for deploying the recommended number of cameras, including the number of additional cameras needed, by category and by fiscal year; and
- (4) The amount of funding necessary, in addition to what has been authorized as of the date of the plan's publication, by fiscal year, to attain the target number of cameras.

Sec. 104. Speed limit assessment.

(a) By November 1, 2013, the Mayor shall complete a District-wide assessment that evaluates the speed limits on the District's arterials and other streets. The report of the assessment shall include the criteria used for assessing the speed limits. Upon its completion, the assessment shall be posted to the District Department of Transportation's website. The assessment shall identify a list of recommended speed limits for all District streets based on each of the following independent approaches:

- (1) Utilize factors common among transportation officials for the determination of speed limit;
- (2) Use factors based on safety and mobility needs of pedestrians, bicyclists, transit drivers and all other potential road users, as well as factors based on input from local neighborhood representatives and organizations that promote road safety including Advisory Neighborhood Commissions, the Pedestrian Advisory Council, and the Bicycle Advisory Council;
- (3) Evaluate whether comparable arterials should have comparable speed limits, and similarly do so for other streets; and
- (4) Include, based solely on an engineering perspective, speed limits for the District's arterials and other streets.

(b) By January 1, 2014, the Mayor shall revise, through rulemaking, existing speed limits throughout the District, as appropriate. Notwithstanding this requirement, the Mayor shall not cause an anti-deficiency as determined by a fiscal impact statement obtained by the Mayor from the Chief Financial Officer.

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## Sec. 105. Emergency speed-limit changes.

(a) Notwithstanding section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505(c)), the Mayor may not adopt an order, regulation, or rule concerning posted speed limits through emergency-rulemaking.

(b) Notwithstanding any other provision of law, any order, regulation, or rule adopted through emergency rulemaking concerning posted speed limits after December 15, 2012, is repealed.

(c) This section shall expire on December 31, 2013, or within 45 days after the District Department of Transportation posts the District-wide assessment required by section 104, whichever is earlier.

## Sec. 106. Council approval of fine schedule.

Section 105(a)(1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(a)(1)), is amended by striking the phrase "The Mayor may modify this schedule of fines by an order which shall be presented to the Council. The order shall be effective 45 days after the Mayor presents it to the Council unless the Council adopts a resolution either disapproving or approving the Mayor's order, and does so during the review period of 45 days, which shall not include Saturdays, Sundays, legal holidays, and days of recess for the Council." and inserting the phrase "The Mayor may issue proposed rules, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code 2-501 *et seq.*), ("APA"), to propose changes to the schedule of fines. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within this 45-day review period, the proposed rules shall be deemed approved. Notwithstanding section 6(c) of the APA (D.C. Official Code § 2-505(c)), the Mayor may not amend the schedule of fines until the Council has approved the proposed rules or the proposed rules have been deemed approved." in its place.

## TITLE II -- PEDESTRIANS IN CROSSWALKS

Sec. 201. Section 2(a) of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D.C. Law 7-34; D.C. Official Code § 50-2201.28), is amended to read as follows:

"(a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within any marked crosswalk, or unmarked crosswalk at an intersection,

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when the pedestrian is upon the lane, or within one lane approaching the lane, on which the vehicle is traveling or onto which it is turning.”.

TITLE III -- AMENDMENTS TO THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

Sec. 301. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(1) The existing text under the subheading “Speeding” is amended as follows:

(A) Strike the phrase “\$75” after the phrase “Up to 10 mph in excess of limit [§ 2200]” and insert the phrase “\$50” in its place.

(B) Strike the phrase “\$125” after the phrase “11 to 15 mph in excess of limit [§ 2200]” and insert the phrase “\$92” in its place.

(C) Strike the phrase “150” after the phrase “16 to 20 mph in excess of limit [§ 2200]” and insert the phrase “\$100” in its place.

(D) Strike the phrase “\$200” after the phrase “21 to 25 mph in excess of limit [§ 2200]” and insert the phrase “\$150” in its place.

(2) The existing text under the subheading “Intersection” is amended by striking the phrase “\$100” after the phrase “Failure to clear (including crosswalks) [§ 2201.11]” and inserting the phrase “\$50” in its place.

(3) The subheading “Right turn on red” and existing text is amended to read as follows:

“Right turn on red	
Failure to come to a complete stop before turning [§ 2103.7]	\$50
Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7]	\$50
Violation of “No Turn on Red” sign [§ 4013]	\$50”.

(4) The existing text under the subheading “Right-of-way” is amended by striking the phrase “\$250” after the phrase “Failure to stop and give right-of-way to pedestrian in roadway [§ 2208]” and inserting the phrase “\$75” in its place.

(5) The existing text under the subheading “Speeding” is amended as follows:

(A) Strike the phrase “\$75” after the phrase “Up to 10 mph in excess of limit [§ 2200]” and insert the phrase “\$50” in its place.

(B) Strike the phrase “\$125” after the phrase “11 to 15 mph in excess of limit [§ 2200]” and insert the phrase “\$75” in its place.

(C) Strike the phrase “150” after the phrase “16 to 20 mph in excess of limit [§ 2200]” and insert the phrase “\$100” in its place.

(D) Strike the phrase “\$200” after the phrase “21 to 25 mph in excess

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of limit [§ 2200]” and insert the phrase “\$150” in its place.

TITLE IV – APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. Applicability.

(a) Title I and Title II of this act shall apply as of the effective date of this act.

(b)(1) Section 301(1) through 4) of Title III shall apply as of April 1, 2013 through September 30, 2013.

(2) After September 30, 2013, section 301(2) through (5) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 402. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 403. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman  
Council of the District of Columbia

~~UNSIGN~~

Mayor  
District of Columbia  
February 5, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2013

To permit, on an emergency basis, due to Congressional review, school-based enrichment programs approved to operate in District public schools for the 2012-2013 school year to continue operating for the remainder of the school year without being charged rent payable to the District, and to require the Department of General Services to develop a District-wide procedure for the use of school spaces by parent-run, not-for-profit enrichment programs to take effect at the beginning of the 2013-2014 school year.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School-Based Enrichment Programs Congressional Review Emergency Act of 2013".

Sec. 2. Notwithstanding any other provision of law, during the 2012-2013 school year, the District shall not charge rent to a parent-run, before- or after-school enrichment program operating in a District public school; provided, that the program:

- (1) Operates on a not-for-profit basis;
- (2) Has been approved by the school to operate during the 2012-2013 school year;
- (3) Has an approved building use agreement for 2012-2013 with the District;
- (4) Meets the District's insurance requirements; and
- (5) Pays any actual costs for security, custodial, or other services that the District

requires.

Sec. 3. (a) The Department of General Services ("DGS") shall develop a District-wide procedure for the use of District schools by parent-run, nonprofit enrichment programs, including a process for obtaining permission to use spaces in school, the amount of insurance the programs are required to obtain, and any operational fees or costs that the programs shall be required to pay to the District.

(b) On or before March 15, 2013, DGS shall:

- (1) Post a draft of the procedure set forth in subsection (a) of this section on its website for public comment; and
- (2) E-mail notice of the draft procedure with information on how to provide comment to the chairs of all Local School Advisory Teams.

ENROLLED ORIGINAL

(c) On or before May 15, 2013, DGS shall finalize the procedure set forth in subsection (a) of this section, which shall take effect at the start of the 2013-2014 school year and shall post details about the procedure on its website.

Sec. 4. Fiscal impact statement.

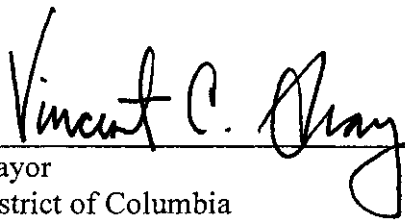
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2013

To amend, on an emergency basis, due to Congressional review, the Department of Transportation Establishment Act of 2002 to establish the Parking Meter Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Department of Transportation Parking Meter Fund Establishment Congressional Review Emergency Amendment Act of 2013".

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new section 9h to read as follows:

"Sec. 9h. Parking Meter Fund.

"(a) For fiscal year 2013, there is established as a lapsing, special purpose revenue fund the Parking Meter Fund ("Fund"). The Fund shall be administered by the Director of the District Department of Transportation and used for the following purposes:

"(1) To pay for the maintenance of parking meters in the District; and

"(2) To provide the local match for a Federal Highway Administration grant for performance parking.

"(b) Notwithstanding sections 9g and section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), a total of \$2.9 million in parking meter revenue shall be deposited into the Fund as of the effective date of this section."

Sec. 3. Applicability.

This act shall apply as of January 7, 2013.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

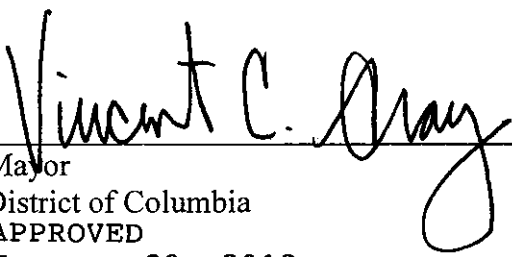


ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2013

To amend, on an emergency basis, due to Congressional review, the District of Columbia Implied Consent Act to clarify and organize provisions related to the chemical testing of breath, blood, and urine with regard to operation of vehicles and watercraft in the District, to clarify and strengthen provisions governing preliminary breath testing, implied consent to chemical testing, and refusal to submit specimens for chemical testing, to limit the persons permitted to withdraw blood for the purposes of chemical testing to medical professionals, to provide immunity from civil liability for medical professionals, law enforcement officers, and persons who assist them when they are engaged in the lawful withdrawal of blood, and to clarify the information related to chemical testing that is to be made available to a defendant; to amend the District of Columbia Traffic Act, 1925 to update definitions, to revise outdated language, to increase fines to make them proportional with the associated incarceration period, to create a new offense of leaving after colliding, and to create a new offense for an object falling or flying from a vehicle; to amend the Anti-Drunk Driving Act of 1982 to organize all impaired driving offenses and operating watercraft while impaired offenses together, to update and clarify definitions and provisions related to impaired driving, to create a new offense for operating a commercial vehicle while intoxicated or impaired, to clarify the provisions that require the imposition of mandatory-minimum sentences for alcohol or drug impairment offenses; to increase the mandatory-minimum sentences for people convicted of an impaired driving offense who have more than a stated level of alcohol concentration or who have prior impaired driving convictions; to amend the offense of operating a vehicle while impaired to allow the District to offer a plea option not only for people who operate a vehicle while impaired by the consumption of alcohol but also for people who are impaired by a drug or a combination of a drug and alcohol; to provide for a penalty for persons convicted of operating a vehicle while impaired when they have prior convictions for alcohol or drug impaired driving offenses; to provide that the alcohol concentration used nationally to revoke a commercial drivers license be used as the level for a per se impaired driving offense for drivers of commercial vehicles and vehicles for hire, and establishing a mandatory-minimum of 5 days incarceration for persons convicted of operating or being in physical control of those vehicles while impaired; to create a mandatory-minimum penalty for a person who is convicted of an impaired driving offense who at the time of the offense had a minor in the vehicle; to amend the Department of Forensic Sciences Establishment Act of 2011 to clarify and strengthen the

## ENROLLED ORIGINAL

District's breath test program; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to clarify the responsibility for blood and urine testing and to clarify and strengthen the District's breath test program; to amend section 14-307 of the District of Columbia Official Code to permit the release of medical information when a patient is charged with an impaired driving offense and where the patient caused the death of or injury to a human being; and to amend Chapter 10 of Title 25 of the District of Columbia Official Code to move boating while intoxicated to Title 50 and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013".

## TITLE I -- COMPREHENSIVE IMPAIRED DRIVING

Sec. 101. The District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901 *et seq.*), is amended as follows:

- (a) Sections 1, 2, 3, and 4 are designated as Title I.
- (b) Sections 5, 6, and 7 are designated as Title II.
- (c) The newly designated Title I is amended as follows:

(1) Section 1 (D.C. Official Code § 50-1901) is amended to read as follows:

"Sec. 1. Definitions.

"For the purposes of this act, the term:

"(1) "Chemical test" or "chemical testing" means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

"(2) "Collision" means an impact between the operator's vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

"(3) "Commercial vehicle" means a vehicle used to transport passengers or property:

"(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

"(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

"(C) If the vehicle is a locomotive or a streetcar;

"(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

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“(E) If the vehicle is a vehicle for hire.

“(4) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(5) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)), and any prescription or non-prescription medication.

“(6) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

“(7) “Impaired” means a person’s ability to operate or be in physical control of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

“(8) “Intoxicated” means:

“(A) Except as provided in subparagraph (B) of this paragraph, that:

“(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.10 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(B) If operating or in physical control of a commercial vehicle, that:

“(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.08 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(9) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

“(10) “License” means any operator’s permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including:

“(A) Any temporary or learner’s permit;

“(B) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

“(C) Any nonresident’s operating privilege.

“(11) “Mayor” means the Mayor of the District, or his or her designee.

“(12) “Measurable amount” means any amount of alcohol capable of being, but not required to be, measured.

“(13) “Medical professional” means a physician, registered nurse, licensed practical nurse, or any person who by certification or licensure is qualified to draw blood.

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“(14) “Motor vehicle” means all vehicles propelled by internal combustion engines, electricity, or steam. The term “motor vehicle” shall not include personal mobility devices, as defined by section 2(13) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability.

“(15) “Nonresident” shall include any person who is not a resident of the District.

“(16) “Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

“(17) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred prior to the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

“(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test instrument if such is necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

“(19) “Vehicle” means any appliance, conveyance, or carrier that moves over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

“(20) “Vehicle for hire” means:

“(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, or sightseeing vehicle, or for which the rate is fixed solely by the hour;

“(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

“(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

“(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District; including taxicabs, limousines, party buses, and pedicabs.”

(2) Section 2 (D.C. Official Code § 50-1902) is repealed.

(3) Section 3 (D.C. Official Code § 50-1903) is amended to read as follows:

“Sec. 3. (a) Only a medical professional acting at the request of a law enforcement officer may withdraw blood, subject to the provisions of this act, for the purpose of determining the alcohol or drug content thereof. This limitation shall not apply to the taking of breath or urine specimens.

“(b)(1) Except as provided in paragraph (2) of this subsection, the following persons are immune from criminal and civil liability based upon a claim of assault and battery, or any

## ENROLLED ORIGINAL

other claim that is not a claim of malpractice, for any act performed in collecting a person's blood:

“(A) Any law enforcement officer who assists in the collection of specimens from a person pursuant to this section;

“(B) Any medical professional, staff, or security personnel who collects or assists in the collection of specimens from a person pursuant to this section; and

“(C) Any hospital, first-aid station, clinic, or other location where specimens are collected from a person pursuant to this section.

“(2) The immunity provided in this subsection shall not apply to a person who collects or assists in the collection of specimens if that person commits gross negligence or engages in intentionally wrongful conduct.”

(4) Section 4 (D.C. Official Code § 50-1904) is amended to read as follows:

“Sec. 4. Full information concerning the chemical test results administered under this act, including records as provided in section 7(h)(3) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.06), shall be made available to the person from whom specimens were obtained pursuant to Rule 16 of the District of Columbia Superior Court Rules of Criminal Procedure.”

(d) The newly designated Title II is amended as follows:

(1) New sections 4a and 4b are added to read as follows:

“Sec. 4a. (a) When a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a vehicle within the District while intoxicated or while the person's ability to operate a vehicle is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

“(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the preliminary breath test is voluntary and that the results of the test will be used to aid in the law enforcement officer's decision whether to arrest the person.

“(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

“Sec. 4b. (a) Except as provided in subsection (b) of this section, when a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a motor vehicle within the District while intoxicated or while the person's ability to operate a motor vehicle is impaired by the consumption of alcohol or a drug or a combination thereof, after arrest of the person, the person shall:

“(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this act, to submitting 2 specimens for

## ENROLLED ORIGINAL

chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content; and

“(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

“(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in section 3(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

“(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer's request under this section.

“(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the motor vehicle about the requirements of this act.”

(2) Section 5 (D.C. Official Code § 50-1905) is amended to read as follows:

“Sec. 5. (a)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), he or she shall be informed that failure or refusal to submit to chemical testing will result in the revocation of his or her license or privilege to drive in the District of Columbia as provided in this section.

“(2) If a person, after having been informed as provided in paragraph (1) of this subsection, still refuses to submit to chemical testing, no test shall be given, but the Mayor, upon receipt of a sworn report of the law enforcement officer that he or she had reasonable grounds to believe the arrested person had been driving or was in physical control of a motor vehicle upon the highways while the person was intoxicated or while the person's ability to operate a motor vehicle was impaired by the consumption of alcohol or a drug or a combination thereof, and that the person had refused to submit 2 specimens for chemical testing, shall:

“(A) Revoke his or her license or privilege to drive in the District of Columbia for a period of 12 months; or

“(B) Deny the person the issuance of a license, if the person is without a license to operate a motor vehicle in the District, for a period of 12 months after the date of the alleged violation.

“(b) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), and the person has had a conviction for a prior offense under sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

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“(c) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

“(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a) and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.

“(2) If a person required to submit blood testing under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.”

(3) Section 6(a) (D.C. Official Code § 50-1906(a)) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) Whether a law enforcement officer had reasonable grounds to believe such person had been operating or was in physical control of a motor vehicle upon the highway while intoxicated or while the person's ability to operate a motor vehicle was impaired by alcohol or a drug or any combination thereof; and,”

(B) Paragraph (2) is amended by striking the phrase “submit to the test or tests” and inserting the phrase “submit specimens for chemical testing” in its place.

(4) Section 7 (D.C. Official Code § 50-1907) is amended as follows:

(A) Strike the phrase “his license” and insert the phrase “his or her license” in its place.

(B) Strike the phrase “him a license” and insert the phrase “him or her a license” in its place.

(C) Strike the word “Act” and insert the word “title” in its place.

(e) A new Title III is added to read as follows:

“TITLE III.

“Sec. 7a. Definitions.

For the purposes of this title, the term:

“(1) “Collision” means an impact between the operator’s watercraft, or anything attached to or transported by the watercraft, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

“(2) “Watercraft” means a boat, ship, or other craft used for water transportation, as well as water skis, aquaplane, sailboard, or similar vessel.

“Sec. 7b. (a) When a law enforcement officer has reasonable grounds to believe that a person is or has been operating or in physical control of a watercraft within the District while intoxicated or while the person’s ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making



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an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

“(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the test is voluntary and that the results of the test will be used to aid in the law enforcement officer's decision whether to arrest the person.

“(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

“Sec. 7c. (a) Except as provided in subsection (b) of this section, any person who operates or who is in physical control of any watercraft within the District and a law enforcement officer has reasonable grounds to believe that the person is operating or in physical control of a watercraft while intoxicated or while the person's ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, after arrest shall:

“(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this act, to submitting 2 specimens for chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content; and

“(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

“(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in section 3(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

“(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer's request.

“(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the watercraft about the requirements of this act.

“Sec. 7d. (a) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), he or she shall be informed that failure or refusal to submit to chemical testing will result in his or her inability to operate a watercraft in the District of Columbia as provided in section 7e.

## ENROLLED ORIGINAL

“(b) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), and the person has a prior offense under sections 3j or 3k of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

“(c) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

“(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

“(2) If a person required to submit to blood collection under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

“Sec. 7e. If a person refuses to submit to chemical testing under this title, the Superior Court of the District of Columbia shall order the person not to operate any watercraft for at least one year. A refusal to submit to any test as required by this section shall be punishable by a \$500 fine, imprisonment of 90 days, or both.”

Sec. 102. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

“(2) “All-terrain vehicle” or “ATV” means any motor vehicle with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms “all-terrain vehicle” and “ATV” shall not include golf carts, riding lawnmowers, or tractors.

“(3) “Collision” means an impact between the operator’s vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

“(4) “Commercial vehicle” means a vehicle used to transport passengers or property:

## ENROLLED ORIGINAL

“(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

“(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

“(C) If the vehicle is a locomotive or a streetcar;

“(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

“(E) If the vehicle is a vehicle for hire.

“(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(6) “Dirt bike” means any motorcycle designed primarily for off-road use.

“(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

“(8) “Identifying information” means the name, complete address, and telephone number of the operator of the vehicle; if the owner of the vehicle is different from the operator of the vehicle, the name, complete address, and telephone number of the owner of the vehicle operated; the tag number of the vehicle operated or, if no tag number, the vehicle identification number; and insurance information for the vehicle operated.

“(9) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

“(10) “Mayor” means the Mayor of the District of Columbia or his or her designee.

“(11) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined in paragraph (13) of this section, or a battery-operated wheelchair when operated by a person with a disability.

“(12) “Park” means to leave any motor vehicle standing on a highway, whether or not attended.

“(13) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

“(14) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense

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regardless of when the arrest occurred. The term "prior offense" does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years prior to the arrest on the current offense.

"(15) "This act" includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

"(16) "Traffic" includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

"(17) "Vehicle" includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

"(18) "Vehicle conveyance fee" shall have the same meaning as provided in section 102(9) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(9)).

"(19) "Vehicle for hire" means:

"(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

"(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

"(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

"(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

"(20) "Work zone" means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic."

(b) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Strike the word "he" and insert the phrase "he or she" in its place.

(B) Strike the word "his" and insert the phrase "his or her" in its place.

(2) Subsection (d) is amended as follows:

(A) Strike the word "he" and insert the phrase "he or she" in its place.

(B) Strike the word "his" and insert the phrase "his or her" in its place.

(C) Strike the word "him" and insert the phrase "him or her" in its place.

(D) Strike the phrase "\$1,000" and insert the phrase "\$2,500" in its place.

(3) Subsection (f) is amended by striking the phrase "\$300" and inserting the phrase "\$500" in its place.

(4) Subsection (j) is amended as follows:

(A) Paragraph (2) is amended as follows:

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(i) Strike the word "his" and insert the phrase "his or her" in its place.

(ii) Strike the word "he" and insert the phrase "he or she" in its place.

(B) Paragraph (3)(E) is amended by striking the word "his" and inserting the phrase "his or her" in its place.

(5) Subsection (k) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "an officer" and inserting the phrase "a law enforcement officer" in its place.

(B) Paragraph (2) is amended by striking the word "officer" and inserting the phrase "law enforcement officer" in its place.

(c) Section 9(c) (D.C. Official Code § 50-2201.04(c)) is amended by striking the phrase "\$1,000" and inserting the phrase "\$2,500" in its place.

(d) Section 9b(c) (D.C. Official Code § 50-2201.04b(c)) is amended by striking the phrase "\$1,000" and inserting the phrase "\$250" in its place.

(e) Section 10 (D.C. Official Code § 50-2201.05) is repealed.

(f) Section 10b(b)(2) (D.C. Official Code § 50-2201.05b(b)(2)) is amended by striking the phrase "\$5,000" and inserting the phrase "\$12,500" in its place.

(g) New sections 10c and 10d are added to read as follows:

"Sec. 10c. Leaving after colliding.

"(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that his or her vehicle has been in a collision shall immediately stop and:

"(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

"(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the collision, to law enforcement or 911; or

"(3) Where real or personal property or a wild or domestic animal, as a result of the collision, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

"(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant's failure to stop or his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified law enforcement, as soon as it was safe to do so, provided identifying information, provided a

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description of the collision, including the location of the collision or event, and followed the instructions of the 911 operator or a law enforcement officer.

“(c) It is not a defense to a violation of this section that the defendant:

“(1) Was intoxicated, impaired in any way, or distracted; or

“(2) Was not at fault for the collision.

“(d)(1)(A) A person violating subsection (a)(1) of this section shall upon conviction for the first offense be fined not more than \$1,000, or incarcerated for not more than 180 days, or both.

“(B) A person violating subsection (a)(1) of this section when the person has a prior offense under subsection (a)(1) of this section and is being sentenced on the current offense shall be fined not more than \$2,500, or imprisoned not more than one year, or both.

“(2)(A) A person violating subsection (a)(2) or (a)(3) of this section shall upon conviction for the first offense be fined not more than \$250, or incarcerated for not more than 30 days, or both.

“(B) A person violating subsection (a)(2) or (3) of this section when the person has a prior offense under subsection (a)(2) or (a)(3) of this section and is being sentenced on the current offense shall be fined not more than \$500, or imprisoned not more than 90 days, or both.

“Sec. 10d. Object falling or flying from vehicle.

“(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that an object likely to cause damage has detached from, fallen, or flown from his or her vehicle shall immediately stop and:

“(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

“(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the event, to law enforcement or 911; or

“(3) Where real or personal property or a wild or domestic animal, as a result of the event, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

“(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant’s failure to stop or his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified law enforcement, as soon as it was safe to do so, provided identifying information, provided a description of the event, including the location of the event, and followed the instructions of the 911 operator or a law enforcement officer.

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“(c) It is not a defense to a violation of this section that the defendant:

“(1) Was intoxicated, impaired in any way, or distracted; or

“(2) Was not at fault for the object falling from or flying from the vehicle.

“(d)(1) A person violating any provision of subsection (a) of this section shall upon conviction for the first offense be fined not more than \$500, or incarcerated for not more than 60 days, or both.

“(2) A person violating any provision of subsection (a) of this section when the person has a prior offense under subsection (a) of this section and is being sentenced on the current offense shall be fined not more than \$500, or imprisoned not more than 90 days, or both.”.

(h) Section 16(b) (D.C. Official Code § 50-2201.07) is amended as follows:

(1) Strike the word “he” and insert the phrase “he or she” in its place,

(2) Strike the word “his” and insert the phrase “his or her” in its place.

Sec. 103. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), is amended as follows:

(a) Sections 2 and 3 are designated as Subtitle A of Title I.

(b) Sections 4 through 11 are designated as Title II.

(c) Section 12 and 13 are designated as Title III.

(d) Section 14 is designated as Title IV.

(e) The newly designated Title I is amended as follows:

(1) A title heading is added to read as follows:

“TITLE I -- IMPAIRED OPERATING OR DRIVING”.

(2) The newly designated Subtitle A is amended as follows:

(A) Section 2 (D.C. Official Code § 50-2205.02) is repealed.

(B) Section 3 (D.C. Official Code § 50-2205.03) is repealed.

(C) A new section 3a is added to read as follows:

“Sec. 3a. Definitions.

“For the purposes of this title, the term:

“(1) “Active metabolite” means an active form of a drug after it has been processed by the body.

“(2) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

“(2) “Chemical test” or “chemical testing” means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

“(3) “Commercial vehicle” means a vehicle used to transport passengers or property:

“(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

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“(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

“(C) If the vehicle is a locomotive or a streetcar;

“(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

“(E) If the vehicle is a vehicle for hire.

“(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(6) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)), and any prescription or non-prescription medication.

“(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.”

“(8) “Impaired” means a person’s ability to operate or be in physical control of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

“(9) “Intoxicated” means:

“(A) Except as provided in subparagraph (B) of this paragraph, that:

“(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.10 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(B) If operating or in physical control of a commercial vehicle, that:

“(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.08 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(10) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

“(11) “Mandatory-minimum term of incarceration” means a term of incarceration which shall be imposed and cannot be suspended by the court. The person shall not be released or granted probation, or granted suspension of sentence before serving the mandatory-minimum sentence.



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“(12) “Mayor” means the Mayor of the District of Columbia or his or her designee.

“(13) “Measurable amount” means any amount of alcohol capable of being, but not required to be, measured.

“(14) “Minor” means a person under the age of 18 years.

“(15) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by paragraph (16) of this section, or a battery-operated wheelchair when operated by a person with a disability.

“(16) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, 2 non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

“(17) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

“(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test instrument if necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

“(19) “This title” includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

“(20) “Traffic” includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

“(21) “Vehicle” includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

“(22) “Vehicle for hire” means:

“(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

“(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

“(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

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“(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

“(23) “Watercraft” means a boat, ship, or other craft used for water transportation, as well as water skis, an aquaplane, a sailboard, or a similar vessel.

(3) New Subtitles B, C, and D are added to read as follows:

“SUBTITLE B.

“Sec. 3b. Driving under the influence of alcohol or a drug.

“No person shall operate or be in physical control of any vehicle in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

“Sec. 3c. Driving under the influence of alcohol or a drug; commercial vehicle.

“No person shall operate or be in physical control of any commercial vehicle in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

“Sec. 3d. Penalties for driving under the influence of alcohol or a drug.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of section 3b or 3c shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both; provided, that:

“(1) A 10-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

“(3) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as listed in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(b) A person violating any provision of section 3b or 3c when the person has a prior offense under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed, and in addition :

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“(1) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine; or

“(3) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as listed in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(c) A person violating any provision of section 3b or 3c when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both; provided, that a 15-day mandatory-minimum term of incarceration shall be imposed, and in addition:

“(1) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

“(3) A 30-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as defined in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(d) An additional 30-day mandatory-minimum term of incarceration shall be imposed for each additional violation of any one or more provisions of section 3b or 3c if the person has 3 prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense.

“Sec. 3e. Operating a vehicle while impaired.

“No person shall operate or be in physical control of any vehicle in the District while the person’s ability to operate or be in physical control of a vehicle is impaired by the consumption of alcohol or any drug or any combination thereof.

“Sec. 3f. Penalty for operating a vehicle while impaired.

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“(a) Except as provided in subsections (b) and (c) of this section, a person violating section 3e shall upon conviction for the first offense be fined \$500, or incarcerated for not more than 90 days, or both.

“(b) A person violating any provision of section 3e when the person has a prior offense under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$2,500, or incarcerated for not more than one year, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed.

“(c) A person violating any provision of section 3e when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed.

“Sec. 3g. Operating under the influence of alcohol or a drug; horse-drawn vehicle.

“(a) No person shall operate or be in the physical control of any horse-drawn vehicle while under the influence of alcohol or any drug or any combination thereof.

“(b) A person violating the provisions of this section shall, upon conviction, shall be fined \$500, or be incarcerated for not more than 90 days, or both.

“(c) Civil penalties and fees may be imposed as alternative sanctions for any violation of this section in accordance with the procedures under the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*).

“Sec. 3h. Additional penalty for driving under the influence of alcohol or a drug; commercial vehicle.

“A person violating any provision of section 3c shall, in addition to any applicable penalty under section 3d, be subject to an additional 5 day mandatory-minimum term of incarceration.

“Sec. 3i. Additional penalty for impaired driving with a minor in vehicle.

“A person convicted of any offense under this subtitle who, at the time of operation or physical control of the vehicle had a minor, other than him or herself, in the vehicle, shall, in addition to any applicable penalty under this subtitle:

“(1) Be fined a minimum of \$500 and not more than \$1,000 per minor; and

“(2) Be incarcerated for a mandatory-minimum term of incarceration of:

“(A) 5 days per minor if the minor or minors are restrained in, or by, an age-appropriate child passenger-safety restraint; or

“(B) 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.

“SUBTITLE C.

“Sec. 3j. Operating under the influence of alcohol or a drug; watercraft.

“No person shall operate or be in physical control of any watercraft in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

“Sec. 3k. Penalties for operating watercraft under the influence of alcohol or a drug.

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“(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of section 3j shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both.

“(b) A person violating any provisions of section 3j when the person has a prior offense under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

“(c) A person violating any one or more provisions of section 3j when the person has 2 or more prior offenses under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both.

“Sec. 3l. Operating a watercraft while impaired.

“No person shall operate or be in physical control of any watercraft in the District while the person’s ability to operate a watercraft in the District is impaired by the consumption of alcohol or any drug or any combination thereof.

“Sec. 3m. Penalties for operating watercraft while impaired.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating section 3l shall upon conviction for the first offense be fined \$250, or incarcerated for not more than 30 days, or both.

“(b) A person violating section 3l when the person has a prior offense under section 3j or 3l and is being sentenced on the current offense shall be fined not more than \$2,500, or incarcerated for not more than 180 days, or both.

“(c) A person violating section 3l when the person has 2 or more prior offenses under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

“Sec. 3n. Harbor Master public awareness campaign.

“The Harbor Master shall be directly responsible for enforcing this subtitle and shall ensure that the public is made aware of the District’s aggressive enforcement policy through a continual public awareness campaign.

“Sec. 3o. Additional penalty for impaired operating with a minor in the watercraft.

“A person convicted of any offense under this subtitle who, at the time of operation or physical control of the watercraft had a minor, other than him or herself, in the watercraft, shall, in addition to any applicable penalty under this subtitle, be fined a minimum of \$500 and not more than \$1,000 per minor, and be incarcerated a mandatory-minimum term of incarceration of 5 days per minor.

## “SUBTITLE D.

“Sec. 3p. Evidence of impairment.

“(a) If as a result of the operation or the physical control of a vehicle, or a watercraft, a person is tried in any court of competent jurisdiction within the District of Columbia for operating or being in physical control of a vehicle, or a watercraft, while under the influence of alcohol in violation of section 3b, 3c, or 3j, negligent homicide in violation of section 802(a) of An Act To establish a code of law for the District of Columbia, approved June 17, 1935 (49 Stat. 385; D.C. Official Code § 50-2203.01), or manslaughter committed in the operation of a vehicle

## ENROLLED ORIGINAL

in violation of section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105), and in the course of the trial there is received, based upon chemical tests, evidence of alcohol in the defendant's blood, breath, or urine, such evidence shall:

“(1) If the defendant’s alcohol concentration at the time of testing was less than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the person was not, at the time, under the influence of alcohol.

“(2) If the defendant’s alcohol concentration at the time of testing was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams of per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, constitute prima facie proof that the person was, at the time, under the influence of alcohol.

“(b) The rebuttable presumption contained in subsection (a)(1) of this section shall not apply if:

“(1) There is evidence that the person is impaired by a drug;

“(2) The defendant was operating or in physical control of a commercial vehicle;

or

“(3) The defendant, at the time of arrest, was under the age of 21.

“Sec. 3q. Admissibility of chemical test results.

An official copy of the results of any blood, urine, or breath test performed on a person by a technician or by a law enforcement officer shall be admissible as substantive evidence, without the presence or the testimony of the technician or of the law enforcement officer who administered the test, in any proceeding in which that person is charged with a violation of section 3b, 3c, or 3e; provided, that the law enforcement officer or the technician certifies that the breath test was conducted in accordance with the manufacturer's specifications, and that the equipment on which the breath test was conducted has been tested within the past 3 months and has been found to be accurate or, in the case of a blood or urine specimen, that the test of the specimen has been certified to be accurate by the chief toxicologist, Office of the Chief Medical Examiner or his or her designee; provided further, that the person on whom any blood, urine, or breath test has been performed, or that person's attorney, may seek to compel the attendance and the testimony of the technician or of the law enforcement officer in any proceeding by stating, in writing, the reasons why the accuracy of the test result is in issue and by requesting, in writing, at least 15 days in advance of the proceeding, that such technician or such law enforcement officer appear and testify in the proceeding. Any such person upon whom a blood, urine, or breath test is performed, shall be informed, in writing, of the provisions of this section at the time that such person is charged. After having been informed, failure to give timely and proper notice shall constitute a waiver of the person's (on whom the test has been performed) right to the presence and testimony of the technician or the law enforcement officer.

“Sec. 3r. Prosecution and diversionary program.

“(a) The Attorney General of the District of Columbia, or his or her assistants, shall prosecute violations of this title, in the name of the District of Columbia.

## ENROLLED ORIGINAL

“(b) The Attorney General may request that a person who is charged with a violation of any provision of this title, as a condition to acceptance into a diversion program in lieu of prosecution, pay the District of Columbia or its agents a reasonable fee for the costs to the District of the person’s participation in the diversion program; provided, that:

“(1) The Attorney General shall set the fee by rule and at a level which the Attorney General determines will not unreasonably discourage persons from entering the diversion program;

“(2) The Attorney General may reduce or waive the fee if the Attorney General finds that the person is indigent; and

“(3) The Mayor shall determine the provider, the content, and eligibility requirements for any diversion program.

“Sec. 3s. Assessment of alcohol or drug abuse and treatment.

“Any person convicted of violating sections 3b, 3c, 3e, 3g, 3j, or 3l who has prior offense under sections 3b, 3c, 3e, 3g, 3j, or 3l, shall have his or her alcohol or drug abuse history assessed and a treatment program prescribed as appropriate.

“Sec. 3t. Revocation of permit or privilege to drive.

“(a) The Mayor or his or her designated agent shall revoke the operator’s permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District of any of the following offenses:

“(1) A violation of sections 3b, 3c, 3e, or 3g;

“(2) A homicide committed by means of a motor vehicle;

“(3) A violation of section 10c or 10d of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50–2201.02 *et seq.*);

“(4) Reckless driving;

“(5) Operating or being in physical control of a vehicle while intoxicated or impaired by the consumption of alcohol or a drug or any combination thereof where such operation or physical control leads to bodily injury; or

“(6) Any felony in the commission of which a motor vehicle is involved.

“(b) Whenever a judgment of conviction of any offense set forth in subsection (a) of this section has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Mayor or his or her designated agent, who shall thereupon take the action required by subsection (a) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection if:

“(1) No appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken; or

“(2) An appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

“Sec. 3u. Impounding of vehicle; release of vehicle; liability.

“(a)(1) Except as provided in paragraph (2) of this subsection, when a law enforcement officer arrests a person for a violation of section 3b, 3c, or 3e, the law enforcement officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded.

## ENROLLED ORIGINAL

“(2) The law enforcement officer shall not cause the vehicle to be impounded if:

“(A) A registered owner of the vehicle authorizes the law enforcement officer to release the vehicle to a person:

“(i) Who is in the company of the arrested person;

“(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle; and

“(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e;

“(B) A registered owner of the vehicle:

“(i) Is present to take custody of the vehicle;

“(ii) Has in his or her immediate possession a valid permit to operate a motor vehicle; and

“(iii) Is determined by the law enforcement officer to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e; or

“(C) The arrested person authorizes the law enforcement officer to release the vehicle to a person:

“(i) Who is not in the company of the arrested person;

“(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle;

“(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e; and

“(iv) Who shall take possession of the vehicle within a reasonable period of time from a public parking space to be determined by the arresting law enforcement officer.

“(b)(1) Except as provided in paragraph (2) of this subsection or in subsection (c) of this section, an impounded vehicle shall be released:

“(A) At any time to a registered owner of the vehicle, other than the arrested person; or

“(B) 24 hours after the arrest, to the arrested person.

“(2) No vehicle shall be released to a person unless a law enforcement officer determines that the person is in physical condition to operate a motor vehicle without violating section 3b, 3c, or 3e.

“(3) If the law enforcement officer has a reasonable suspicion that the person is not in the physical condition required by paragraph (2) of this subsection, the law enforcement officer may direct that the person submit specimens for chemical testing to determine whether the person is impaired. The results of the tests may not be used as evidence in any criminal proceeding. If the person refuses to submit specimens for chemical tests, the law enforcement officer may determine that the person does not meet the condition of paragraph (2) of this subsection.

“(c) Any motor vehicle that is impounded shall be subject to an impoundment charge of \$50, which shall be paid before the release of the motor vehicle. Any motor vehicle that remains impounded and unclaimed for more than 72 hours shall be processed and handled as an



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abandoned vehicle, and shall be subject to any other charges and costs, including storage fees and relocation costs, as provided and assessed by the Mayor.

“(d) Except as provided in paragraph (2)(B) of this subsection, the District of Columbia and its employees may not be liable for damage to property which results from any act or omission in the implementation of any provisions of this section.

“(2)(A) The District of Columbia and its employees may be liable for injury to persons which results from any act or omission in the implementation of any provisions of this section.

“(B) An employee of the District of Columbia may be liable for injury to persons or damage to property which results from the gross negligence of the employee. The District of Columbia may also be liable for the resulting injury to persons or damage to property if the act or omission of the employee which constitutes gross negligence occurred while the employee was engaged in furthering the governmental interest of the District of Columbia.

“Sec. 3v. Mandatory-minimum periods.

“(a) A mandatory-minimum term of incarceration as provided in this title shall be proven to the court by a preponderance of the evidence.

“(b) A person sentenced for an offense under this title may be subjected to multiple mandatory-minimum terms of incarceration. Each mandatory-minimum term of incarceration must be served consecutively, except that no combination of mandatory-minimum terms of incarceration shall exceed the maximum penalty for the offense, including any applicable enhancements.

“Sec. 3w. Fines.

“Notwithstanding any other provision of law, all fines imposed and collected pursuant to this title during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia.

“Sec. 3x. Effect of later repeal or amendment.

“Any violation of any provision of law or regulation issued hereunder which is repealed or amended by this title, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this title had not been enacted.”

## TITLE II -- ALCOHOL TESTING PROGRAM

Sec. 201. Section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07), is amended to read as follows:

“Sec. 8. Impaired driving program; certification and testing of breath alcohol equipment.

“(a) The Department shall be responsible for testing and certifying the accuracy of any District instrument utilized by District law enforcement personnel to test the alcohol content of breath. A District breath test instrument shall only be used by District law enforcement personnel if it has been certified by the Department, or the Department’s designee, to be accurate. Certification of the accuracy of each breath test instrument shall occur at least once every 3 months.

## ENROLLED ORIGINAL

“(b) In addition to the requirements under subsection (a) of this section, the Department shall:

“(1) Develop a program for District law enforcement personnel to become trained and certified as a breath test instrument operator;

“(2) Develop policies and procedures for the operation and maintenance of all breath test instruments utilized by District law enforcement personnel; and

“(3) Develop policies and procedures for the maintenance of records demonstrating that the breath test instruments utilized by District law enforcement personnel are in proper operating condition.

“(c) The Department shall issue regulations to meet the requirements of this section.

“(d) The Director may delegate by memorandum of agreement some or all of the responsibilities of this section, as well as some or all of the responsibilities for providing forensic science services pertaining to breath testing as provided by section 9(a)(1) to the Office of the Chief Medical Examiner.

“(e) This section shall apply as of October 1, 2012.”.

Sec. 202. The Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), is amended by adding a new section 2918b to read as follows:

“Sec. 2918b. Impaired driving program; chemical testing.

“(a) The CME shall be responsible for ensuring the accuracy of blood and urine testing for the District’s impaired driving program. The CME may test or authorize the testing of specimens, as defined by section 1(18) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901(18)), for the purposes of determining if specimens contain alcohol or a drug.

“(b) Until October 1, 2012, and after October 1, 2012 if authorized under section 8(d) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07(d)), the CME shall be responsible for testing and certifying the accuracy of any District instrument utilized by District law enforcement personnel to test the alcohol content of breath. A District breath-test instrument shall only be used by District law enforcement personnel if it has been certified by the CME to be accurate. Certification of the accuracy of each breath test instrument must occur at least once every 3 months.

“(c) In addition to the requirements under subsection (a) of this section, the CME shall:

“(1) Develop a program for District law enforcement personnel to become trained and certified as a breath test instrument operator;

“(2) Develop policies and procedures for the operation and maintenance of all breath test instruments utilized by District law enforcement personnel; and

“(3) Develop policies and procedures for the maintenance of records demonstrating that the breath test instruments utilized by District law enforcement personnel are in proper operating condition.”.

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## TITLE III -- CONFORMING AMENDMENTS

Sec. 301. Section 14-307(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3) is amended by striking the word “or” after the semicolon.  
(b) Paragraph (4) is amended by striking the period and inserting the phrase “; or” in its place.

(c) A new paragraph (5) is added to read as follows:  
“(5) evidence in a criminal or delinquency proceeding where a person is charged with an impaired driving offense and where the person caused the death of or injury to a human being, and the disclosure is required in the interest of public justice.”

Sec. 302. Chapter 10 of Title 25 of the District of Columbia Official Code is amended by repealing sections 25-1004 through 25-1009.

Sec. 303. Section 9 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.08), is amended as follows:

(a) A new subsection (a-1) is added to read as follows:  
“(a-1) The Mayor shall provide for the orderly transfer to the Department all of the authority, responsibilities, duties, assets, and functions of the Department of Health pertaining to public health laboratory services, including:

“(1) Disease prevention, control and surveillance testing;  
“(2) Emergency preparedness testing;  
“(3) Food surveillance and testing;  
“(4) Reference and specialized testing;  
“(5) Integrated data management;  
“(6) Education, training and partnerships;  
“(7) Special research; and  
“(8) The ability to seek grants pertaining to public health laboratory services from government agencies, including the Center for Disease Control.”

(b) Subsection (b) is amended by striking the phrase “transfer set forth in subsection (a)” and inserting the phrase “transfers set forth in subsections (a) and (a-1)” in its place.

Sec. 304. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 2024 (D.C. Official Code § 1-620.24) is amended by striking the phrase “employee’s alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “employee is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

(b) Section 2033 (D.C. Official Code § 1-620.33) is amended by striking the

## ENROLLED ORIGINAL

phrase “person's alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

Sec. 305. Section 4 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.23), is amended as follows:

(a) Subsection (e) is amended by striking the phrase “person’s alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “person was intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

(b) Subsection (f) is amended by striking the phrase “210 liters of the employee’s breath contains 0.08 grams or more of alcohol” and inserting the phrase “the alcohol concentration of the employee’s breath meets the definition of intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

Sec. 306. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (69 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase “person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

Sec. 307. Section 13(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01(a)), is amended by striking the phrase “person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, passed on 2<sup>nd</sup> reading on September 19, 2012 (Enrolled version of Bill 19-777)” in its place.

## TITLE IV -- FISCAL IMPACT; EFFECTIVE DATE

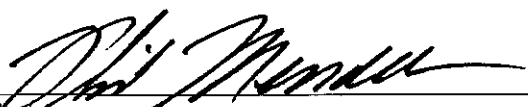
Sec. 401. Fiscal impact statement.

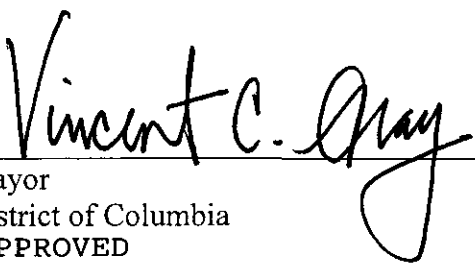
The Council adopts the fiscal impact statement in the committee report for the Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
January 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2013

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide that medical marijuana cultivation centers shall not be located in certain Retail Priority Areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Emergency Amendment Act of 2013".

Sec. 2. Section 7 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06), is amended by adding a new subsection (g-1) to read as follows:

"(g-1)(1) A cultivation center shall not be located within a Retail Priority Area, as designated pursuant to section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), and as approved by the Council pursuant to the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194).

"(2) The prohibition set forth in paragraph (1) of this subsection shall apply only to applications pending as of the effective date of the Medical Marijuana Cultivation Center Emergency Amendment Act of 2012, effective April 7, 2012 (D.C. Act 19-339; 59 DCR 2784)."

Sec. 3. Fiscal impact statement.

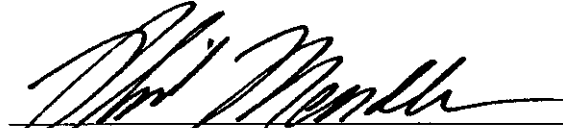
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



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Chairman  
Council of the District of Columbia

UNSIGNED

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Mayor  
District of Columbia  
January 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013

To authorize, on an emergency basis, due to Congressional review, the issuance of general obligation bonds and general obligation bond anticipation notes of the District of Columbia for the purposes of financing certain capital projects and the refunding of certain capital indebtedness of the District of Columbia during fiscal years 2013 through 2018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2013-2018 Congressional Review Emergency Authorization Act of 2013".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Additional Bonds" means District general obligation bonds that may be issued pursuant to section 461 of the Home Rule Act and any act enacted subsequent to this act on a basis consistent with the bonds.

(2) "Additional Notes" means District general obligation bond anticipation notes that may be issued pursuant to section 475 of the Home Rule Act and any act enacted subsequent to this act.

(3) "Authorized Delegate" means any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act, including, but not limited to, the Chief Financial Officer, the City Administrator, and the Treasurer of the District of Columbia.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.

(5) "Bonds" means District general obligation bonds authorized to be issued pursuant to this act, including any refunding bonds.

(6) "Capital Projects" means the District capital projects as defined in section 103(8) of the Home Rule Act.

(7) "Deposit and Investment Act" means the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*).

(8) "Escrow Agreement" means any agreement heretofore or hereafter entered into by the Mayor or the Chief Financial Officer to provide for the custody, investment, and



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disbursement of revenues and funds pledged to, and in which a security interest is created for, the payment of the principal of, and interest on, the bonds or notes.

(9) "Hedge Agreement" means any financial arrangement that is a cap, floor, or collar, forward rate, future rate, swap; which swap may be based on an amount equal to either a principal amount or a notional principal amount relating to all or a portion of the principal amount of a series of bonds, asset, index, price, or market-linked transaction or agreement; other interest rate exchange or rate protection transaction agreement; other similar transactions, however designated; any combination thereof; any option with respect thereto; or any similar arrangement that is executed by the District for purposes of debt management, including managing interest rate fluctuations on bonds, but not for purposes of speculation.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Notes" means District general obligation bond anticipation notes authorized to be issued pursuant to this act, including any renewals of such notes.

(12) "Outstanding Debt" means the outstanding indebtedness at any time of the District for capital project loans from the Treasury of the United States, any Treasury Advances, any outstanding general obligation bonds issued pursuant to this or any prior act, any outstanding general obligation bond anticipation notes issued pursuant to this or any prior act, and any income tax secured revenue bonds issued pursuant to the Income Tax Secured Bond Authorization Act of 2008, effective October 22, 2008 (D.C. Law 17-254, D.C. Official Code §47-340.26 *et seq.*). "Paying Agent" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(14) "Procurement Act" means the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

(15) "Registrar" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(16) "Secretary" means the Secretary of the District of Columbia.

(17) "Special Tax Fund" means the debt service fund established pursuant to section 9.

(18) "Treasury Advances" means amounts advanced to the District from the United States Treasury pursuant to Chapter 34 of Title 47 of the District of Columbia Official Code.

### Sec. 3. Findings.

The Council finds that:

(1) Section 461 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bonds to refund Outstanding Debt of the District and to provide for the payment of the cost of acquiring or undertaking its various capital projects.

(2) Section 475 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bond anticipation notes, the proceeds of which shall be used for the purposes for which general obligation bonds may be issued under section 461 of the Home Rule Act.

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(3) The cost of Outstanding Debt may be reduced by refunding a portion of it through the issuance of the bonds and the District's cost of borrowing may be reduced by the issuance from time to time of notes in anticipation of the issuance of bonds.

(4) The issuance of the bonds and the notes in anticipation of the bonds is an economical method of financing the costs of acquiring or undertaking the capital projects described in section 5 and of refunding all or a portion of certain Outstanding Debt as is in the public interest(5) To fund the capital needs of the District for fiscal years 2013 through 2018, it will be necessary to issue bonds from time to time in one or more series in an aggregate principal amount not to exceed \$3,750, 000,000 and to issue notes from time to time in one or more series in anticipation of all or a portion of the bonds.

Sec. 4. Bond and note authorization.

(a) The District is authorized to incur indebtedness by issuing the bonds pursuant to sections 461 through 467 of the Home Rule Act to provide for any of the following:

- (1) The payment of the cost of acquiring, undertaking, or refinancing capital projects described in section 5 for general governmental and enterprise purposes;
- (2) The reimbursing of amounts temporarily advanced for the purposes authorized by this act from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District;
- (3) The refunding of Outstanding Debt; and
- (4) The payment of the costs and expenses of preparation, execution, issuance, sale or delivery of, or security for, the bonds and notes, including the payments of contracts or agreements the Mayor may determine to be necessary and appropriate as described in section 7(f), and the payment of other debt program related costs as provided in the contracts or agreements related thereto.

(b) The Mayor is authorized to pay from the proceeds of the bonds and other District funds, the costs and expenses referred to in subsection (a)(4) of this section and to the extent necessary to establish or continue the tax-exempt status of any of the bonds issued on a tax-exempt basis.

(c) The District is authorized pursuant to section 475 of the Home Rule Act to issue the notes in anticipation of the issuance of general obligation bonds and to expend the proceeds of the notes for any of the purposes for which bonds may be issued.

Sec. 5. Capital projects.

(a)(1) Bonds and notes may be issued from time to time to provide for the payment of the cost of acquiring, undertaking, or refinancing capital projects of the District and reimbursement of amounts advanced for such purposes, including, but not limited to, capital projects for the following categories of facilities and equipment by project and project description:

- (A) Physical plant;
- (B) Technology;
- (C) Mass transportation;
- (D) Roads and bridges;

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- (E) Housing and economic development;
- (F) Environmental protection;
- (G) Major equipment; and
- (H) Recreation.

(2) The Council shall specify and determine from time to time, by resolution, the capital projects for which the issuance of bonds shall be authorized.

(b) The maximum principal amount of indebtedness that may be incurred through the issuance of bonds or notes for the capital projects, exclusive of the costs and expenses of issuing and delivering the bonds or notes and any other costs referred to in section 4(a)(4) which may be funded with proceeds of the bonds or notes, shall not exceed \$3,750,000,000; provided, that the principal amount of any notes or bonds issued to refund prior notes or bonds issued for any capital project shall not be included in the determination of the principal amount of indebtedness issued for such project.

(c) The maximum total principal amount to be financed through the bonds and notes provided for the capital projects listed in subsection (a)(1) of this section shall include amounts requested by the District government and approved by Congress in the District's Fiscal Year 2013-2018 Capital Improvements Plan, as it may be modified from time to time by appropriations legislation, or as approved by the Council.

(d) The costs of the capital projects approved for financing pursuant to this act and prior bond acts that have become law, which are paid originally from the General Fund of the District of Columbia or General Capital Improvements Fund of the District of Columbia, are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds or notes in the maximum amount set forth in subsection (b) of this section. The adoption of this act by the Council declares the intent of the District under Treas. Reg. § 1.150-2, issued under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), to reimburse the General Fund of the District of Columbia and General Capital Improvement Fund of the District of Columbia or to refinance Treasury Advances or loans from the Treasury of the United States for capital projects, in either case, with the proceeds of the bonds and notes.

(e) Funds pursuant to this act shall not be used to pay for personnel of the District, except in positions working on authorized capital projects that create assets or extend the useful life of the assets.

Sec. 6. Bond and note details.

(a) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds and notes, including, but not limited to, determinations of:

(1) Whether the bonds or notes are to be issued in one or more series and the principal amount of each series;

(2) For each series of the bonds or notes, the date of issuance, sale, and delivery of bonds or notes, the maturity date or dates of the bonds (provided that the maximum maturity of any bond shall not exceed 30 years from the date of issuance) or notes (provided that the maximum maturity date of any note, including any renewal note issued to refund such note, shall not be later

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than the last day of the 3<sup>rd</sup> fiscal year following the fiscal year during which such note was issued), the dates for payment of principal and interest on the bonds or notes, and the amount of installment or sinking fund payment of principal (provided that the principal installments on each series of the bonds shall begin no later than 3 years from the date of issuance of the series);

(3) The rate or rates of interest or the method for determining the rate or rates of interest on each series of the bonds and notes; provided, that the interest rate or rates borne by the bonds of any series with fixed interest rates shall not exceed 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months) in any event and that the interest rate or rates borne by the bonds of any series with non-fixed interest rates shall not exceed 15% per year (calculated on the basis of the actual number of days elapsed over a year of 365 or 366 days and based on the total amount of interest paid in any fiscal year), and the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate; provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate;

(4) For each series of the bonds or notes, the maximum debt service payable in any fiscal year in accordance with the amount permitted under section 11(a)(3);

(5) The designation of any series of the bonds or notes and their denominations, lettering, and numbering or the manner of determining the designations and denominations, lettering, and numbering;

(6) The price and terms under which any series of the bonds or notes may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their stated maturities;

(7) The final form, content, and terms of each series of the bonds and notes, including a determination that any series of the bonds or notes may be issued in book-entry form;

(8) The designation of a registrar, if other than the District, for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(9) The designation of a Paying Agent for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(10) Provisions for the registration, transfer, and exchange of the bonds or notes and the replacement of mutilated, lost, stolen, or destroyed bonds or notes; and

(11) Provisions for the security of holders of the bonds or notes, including, but not limited to, bond insurance or other credit enhancement.

(b) The bonds and notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor. To the extent required by the Home Rule Act, the official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the bonds and notes.

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(c) The registrar shall manually authenticate each bond or note and maintain the books of registration for the payment of the principal of, and interest on, the bonds or notes and perform other ministerial responsibilities as specifically provided in its appointment as registrar, and the securities depository, if the bonds or notes are issued in book-entry form, shall maintain or cause to be maintained books of registration of owners of beneficial interests in the bonds or notes.

Sec. 7. Sale of the bonds and notes.

(a) The bonds of any series may be sold by the Mayor at a public sale upon receipt of sealed proposals (including electronic bids), or at a private sale on a negotiated basis in a manner as the Mayor may determine to be in the public interest, all pursuant to and in accordance with section 466 of the Home Rule Act. The notes of any series may be sold by the Mayor by competitive bid or negotiated sale as may be determined by the Mayor to be in the best interest of the District.

(b) The Mayor may prepare, or cause to be prepared, and may execute, for each sale of the bonds or notes, offering documents on behalf of the District and may authorize the distribution of the offering documents for the bonds or notes.

(c) The Mayor shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) as required by or incidental to:

(1) The issuance of the bonds or notes;

(2) If and to the extent the bonds or notes are issued on a tax-exempt basis, the exclusion from gross income for federal income tax purposes of interest on the bonds or notes, the treatment of interest on the bonds or notes as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District taxation of interest on the bonds or notes;

(3) The performance of any covenants contained in this act or any purchase contract for the bonds or notes; and

(d) The execution, delivery, and performance of any financing documents in connection with the sale of the bonds or notes, including but not limited to, any Escrow Agreement, trust agreement, bond or note purchase agreement, or paying agent agreement.

(e) The bonds or notes shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds or notes and, if and to the extent the bonds or notes are issued on a tax-exempt basis, the treatment of the interest on the bonds or notes for purposes of federal and District income taxation.

(f) The Mayor shall execute a bond issuance certificate or note issuance certificate, as the case may be, evidencing the determinations made and other actions taken by the Mayor for each series of the bonds or notes issued and shall designate in such certificate the amount of the bonds or notes to be used to finance capital projects or to refund or refinance Outstanding Debt, the amount principal and interest on that amount of bonds or notes to be paid through sinking fund payments, redemptions, or otherwise, in each fiscal year, the date of the bonds or notes, the series designation, the authorized denominations, the Paying Agent or Agents, and any other matters pertaining to the bonds or notes, including any matters applicable under section 6(a). A copy of the bond issuance

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certificate or note issuance certificate, as the case may be, shall be filed with the Secretary to the Council not more than 3 days after the delivery of the bonds or notes covered by the certificate. bond issuance certificate or note issuance certificate shall be conclusive evidence of the actions or determinations taken or made as stated in the certificate.

(g) The Procurement Act and the Deposit and Investment Act shall not apply to whatever contract the Mayor may from time to time enter into for purposes of this act or the Mayor may determine to be necessary or appropriate for purposes of this act to place, in whole or in part, including, but not limited to:

(1) An investment or obligation of the District as represented by the bonds or notes; or

(2) A contract or contracts for bond insurance or other credit enhancement (including, but not limited to, a letter or line of credit), or liquidity agreements, or placement of any investment or obligation or program of investment including any offering document, contract based on interest rate, currency, cash flow, or other basis, including, without limitation, interest rate swap agreements, currency swap agreements, insurance agreements, forward payment conversion agreements, futures contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices, contracts to exchange cash flows or a series of payments, and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls, Hedge Agreements, and any required supplements to any such documents. The contracts or other arrangements may also be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the bonds or notes. The contracts or other arrangements entered into pursuant to this section shall contain whatever payment security, terms, and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate.

(3) A contract or contracts for an escrow agent, paying agent, disclosure agent, trustee, collection agent, registrar, underwriting, legal services, accounting, financial advisory services, rating agency services, printing, and any other contracts for services of professionals or advisors or for disclosure services as the Mayor may consider to be necessary or appropriate.

Sec. 8. Payment and security of the bonds and notes.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the bonds and notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the bonds and notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the

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Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the bonds and notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The bonds and notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) Any Paying Agent shall pay the principal of, and interest on, the bonds and notes and may perform other ministerial responsibilities as specifically provided in its appointment as paying agent.

(f) Proceeds of the bonds or notes and any money set aside for any security for the bonds or notes or any contract or other arrangement entered into pursuant to this section, may be pledged and used to service any contract or other arrangement providing for the payment of principal of, and interest on, the bonds or notes.

Sec. 9. Special tax; establishment of rates; collection.

(a) The Council determines that a special tax is necessary in conjunction with the authorization and issuance of the bonds and any Additional Bonds. Pursuant to section 481 of the Home Rule Act and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which bonds or Additional Bonds are outstanding, a special tax on the real property in the District subject to taxation, in amounts that will be sufficient to pay the principal of, and interest on, the bonds and Additional Bonds coming due in each year. This special tax is levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund maintained separate from other funds of the District. The collection and custody of the special tax payment may be pursuant to an agreement with an agent for such purposes and the Special Tax Fund may be maintained under an Escrow Agreement. When deposited, the funds in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the bonds and any Additional Bonds. Any Escrow Agreement providing for holding funds for the benefit of the holders of the bonds shall be maintained so long as any of the bonds is outstanding under this act.

(b) The District irrevocably pledges for and on behalf of the owners of the bonds as further security for the due and punctual payment of the principal and redemption price, if any, of, and interest on, the bonds as they shall become due and payable for any reason, all of its right, title, interest now owned or later acquired in and to the revenue from the special tax levied by this section, whether to be received, or held at the time, by a collection agent, custodian, or escrow for the District, or by District officials. This pledge creates and grants a security interest as contemplated in section 467 of the Home Rule Act, subject to the terms, conditions, and in this act, including the provisions of subsections (e) and (i) of this section and the provisions setting forth conditions and limitations applicable to the issuance of Additional Bonds secured,

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equally and ratably with the bonds, by a pledge of and security interest in the special tax revenue.

(c) The security interest in special tax revenue created by this section shall be valid, binding, and perfected from the time of the delivery of the first bonds with or without the physical delivery of any special tax revenue and with or without any further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The pledge and lien created by the security interest shall be valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not the individual or legal entity has notice of the pledge and lien. (d) If the District pays or, pursuant to section 15, makes provisions to pay to the owners of all bonds and Additional Bonds the principal or redemption price, if any, and the interest due or to become due, at the time and in the manner stipulated, the security interest in the special tax revenue created under this section shall be terminated.

(e)(1) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the bonds and any Additional Bonds coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax revenue created under this section.

(2) On or before the date upon which the Mayor is required by law to submit to the Council proposed real property tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall certify to the Council the amount required in that real property tax year to pay the principal of, and interest on, the bonds and any Additional Bonds coming due for any reason during that real property tax year. The amount certified, less any funds then on deposit in the Special Tax Fund after application of paragraph (1) of this subsection, shall be called the special tax requirement.

(f) On or before the date upon which the Mayor is required by law to submit to the Council proposed tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall calculate and submit to the Council proposed real property special tax rates to be applied during the real property tax year to all real property subject to taxation in the District. The real property special tax rates shall be calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section.(g) The Council, in the same manner as provided for the establishment of other real property tax rates, shall, by act, establish real property special tax rates for the real property tax year calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section. If the Council fails to enact special real property tax rates for the real property tax year within the time provided by law, the real property special tax rates submitted by the Mayor pursuant to subsection (f) of this section shall be the real property special tax rates to be applied during that real property tax year.

(h) Real property special taxes shall be collected in the same manner as other District real



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property taxes and the Mayor shall promptly deposit in the Special Tax Fund all real property taxes collected, including collection through a collection agent and deposit under an Escrow Agreement. If the law of the District relating to the levy or collection of real property taxes or the calculation or establishment of real property tax rates is changed in a manner that renders any of provisions of subsections (e) through (h) of this section incapable of performance in accordance their respective terms, the Mayor and the Council shall take actions that result in the collection of property special taxes, in the same manner as other District real property taxes, in the amounts required by this section.

(i) The District and the Mayor reserve the right to satisfy all or a portion of the special tax requirement by setting aside and depositing into the Special Tax Fund at any time any funds of the District not otherwise legally committed, which deposit shall irrevocably dedicate and pledge those deposits to the payment of principal of, and interest on, the bonds and Additional Bonds then outstanding. To the extent that all or a portion of the special tax requirement is satisfied by those deposits, an equal amount of real property special tax revenue subsequently collected shall be released from the lien on and the security interest in the special tax revenue created under this section and shall be paid to reimburse the General Fund of the District of Columbia or other fund of the District of Columbia from which the other funds were received, and any other funds so deposited in lieu of a portion of the special tax revenues shall be subject to the pledge and security interest under this act as if they were special tax revenues.

(j) The Mayor shall provide for the payment of the principal of, and interest on, the bonds, as it may become due and payable for any reason, by transferring funds on deposit in the Special Tax Fund to the Paying Agent to the extent required pursuant to the bond issuance certificate provided for in section 7.

Sec. 10. Issuance of bonds to pay notes when due.

(a) The District shall issue the bonds or, to the extent permitted by the Home Rule Act, renewal notes to provide for the payment of the principal of the notes, as they may become due and payable.

(b) The par value to be received from the sale of any bonds issued to refund the notes or any renewal notes shall, to the extent necessary, be used to pay the principal of, and interest on, the notes when due and are pledged to that purpose.

Sec. 11. General covenants.

(a) The following covenants are made by the District in connection with the authorization and issuance of the bonds:

(1) Pursuant to section 603(c) of the Home Rule Act, the Council shall not approve any budget that would result in expenditures being made by the District during any fiscal year in excess of all resources that the Mayor estimates will be available from all funds available to the District for that fiscal year, except as permitted by applicable law. The Mayor shall not forward to the President for submission to Congress a budget that is not balanced according to the provisions of section 603(c) of the Home Rule Act, except as permitted by applicable law.

(2) The District shall prepare its annual financial statements in accordance with

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generally accepted accounting principles for state and local governments and cause its annual financial statements to be audited by an independent accountant.

(3) The District shall not issue any general obligation bonds or general obligation bond anticipation notes, other than bonds or renewal notes to refund any Outstanding Debt, or incur any indebtedness to the Treasury of the United States for capital projects in an amount that would cause the amount of debt service payable in any fiscal year on all the indebtedness, including all outstanding bonds and loans, to exceed any limitations set forth in the Home Rule Act or the borrowing limitation set forth in D. C. Official Code §47-335.02 at the time the additional bonds or indebtedness are issued or incurred. For purposes of the limitation imposed by this section, and as required by section 475(b) of the Home Rule Act, the Council hereby determines that the estimated maximum annual debt service amount for the bonds anticipated by the notes is \$30 million.

(4) Subject to applicable law, the District shall maintain a capital projects fund, separate from other funds of the District, into which it will deposit the proceeds of any bonds or notes, other than bonds or notes issued to refund Outstanding Debt, less any capitalized interest and accrued interest, and shall expend the proceeds only to finance capital projects and incidental costs as defined in section 103(8) of the Home Rule Act. Subject to applicable law, the proceeds of the bonds or notes may be escrowed in appropriate accounts with escrow agents or a trustee for the bonds or notes to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited to the General Fund of the District of Columbia, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds or notes.

(b) The Mayor may, through a trust agreement or other instrument, make additional covenants of the District and agree to other provisions to better secure, administer funds for, and protect the bonds or notes and the owners thereof

Sec. 12. Events of default.

(a) Each of the following events constitutes an event of default:

(1) Failure to pay the principal of the bonds or notes, as the case may be, when the principal becomes due and payable at maturity, upon redemption, or otherwise;

(2) Failure to pay an installment of interest on the bonds or notes, as the case may be, upon the day when the interest becomes due; and

(3) Failure by the District to observe and perform any covenant, condition, agreement, or provision, other than as specified in paragraphs (1) and (2) of this subsection, contained in the bonds or notes, as the case may be, or in this act, but only if the failure continues for a period of 90 days after transmittal to the District of written notice of failure.

(b) A bond or note owner who claims an event of default under subsection (a)(3) of this section shall provide to the registrar written notice specifying the failure and requesting that it be remedied. Upon verifying that the written notice has been transmitted by a bona fide bond or note owner, the registrar, if other than the District, shall transmit the written notice to the District. If registrar is the District, the written notice shall be delivered directly to the Mayor. Transmittal to District of the written notice required by this subsection shall not be accomplished in any manner

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other than that set forth in this subsection. If there is a trust agreement or Escrow Agreement for bonds or notes, the notice by bond or note owners and notice to the District shall be given by and the persons designated in or pursuant to such agreement.

## Sec. 13. Remedies.

(a) Upon the occurrence and continuance of any event of default, any bond or note owner may:

(1) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bond or note owner and require the District to carry out any agreements with or for the benefit of the bond or note owner and to perform its duties under this act;

(2) Bring suit upon the bonds or notes, as the case may be; and

(3) By action or suit at law or in equity, enjoin any acts that may be unlawful or in violation of the rights of the bond or note owner.

(b) If any proceeding initiated by any bond or note owner to enforce any right under this act is discontinued or abandoned for any reason, the District and the bond or note owner shall be restored to their former positions and rights, and all rights, remedies, and powers of each of the parties shall continue as though the proceeding had not been initiated.

(c) Subject to the provisions of the Home Rule Act, if there is a trust agreement or Escrow Agreement for the bonds or notes, actions under this act or such agreement, or on the bonds or notes, as the case may be, shall be subject to applicable provisions in the agreement, notwithstanding other provisions in this act.

## Sec. 14. District officials.

(a) The elected and appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or notes or be subject to any personal liability by reason of the issuance of the bonds or notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature on the bonds or notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the bonds or notes.

## Sec. 15. Defeasance of bonds and notes.

(a) The bonds or notes, as the case may be, shall be legally defeased and no longer be considered outstanding and unpaid for the purpose of this act, and the requirements of this act shall be discharged with respect to the bonds or the notes if the Mayor:

(1) Deposits with an escrow agent, which shall be a bank, trust company, or national banking association with requisite trust powers, in a separate defeasance escrow account, established and maintained by the escrow agent solely at the expense of the District and held in trust for the bond owners, sufficient moneys or direct obligations of the United States, the principal of, and interest on, which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest on, the bonds or notes to be defeased; and (2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or investments to the payment of the principal of, and interest on, the bonds or

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notes to be defeased as they become due and payable.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any District limitations placed on these accounts by any law, except for this act.

(d) References in this section to "amounts due and payable" include, but are not limited to, amounts due and payable by reason of optional or mandatory redemption.

Sec. 16. Additional debt and other obligations.

Subject to the terms of any trust agreement or Escrow Agreement pertaining to the bonds or notes, the District reserves the right at any time to borrow money or enter into other obligations to the full extent permitted by law, to secure the borrowings or obligations by the pledge of its full faith and credit, to secure the borrowings or other obligations by any other security and pledges of funds as may be authorized by law, and to issue bonds, including Additional Bonds, notes, including Additional Notes, or other instruments, to evidence the borrowings or obligations. Any act of the Council authorizing the issuance of Additional Bonds shall provide for an increase in the special tax requirement sufficient to pay principal of, and interest on, the Additional Bonds.

Sec. 17. Tax status.

If and to the extent the bonds or notes are issued on a tax-exempt basis, the Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the bonds or notes, as the case may be, to be includable in gross income for federal income tax purposes or to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor shall also take all actions necessary to be taken, including to make any rebate payment, if any, when due, so that the interest on the bonds or notes will not be includable in gross income for federal income tax purposes or be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 18. Contract.

This act shall constitute a contract between the District and the owners of the bonds and notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling with respect to bonds and notes.

Sec. 19. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 20. Maintenance of documents.

Copies of the specimen bonds and notes and related documents shall be filed in the

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Office of the Secretary of the District of Columbia.

See. 21. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of any series of the bonds or notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council, within 30 days, if any funds or accounts of the District not otherwise legally committed have been used for the payment of principal of, and interest on, the bonds pursuant to section 8(c).

(c) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of bonds or notes pursuant to this act shall include a statement as to:

(1) Whether the bonds or notes of any series are intended to be sold by competitive bid or by negotiated sale and, if bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interests of the District and a statement of the reasons supporting this determination; and

(2) Whether the bonds or notes of any series are intended to be issued on a tax-exempt or taxable basis.

(d)(1) No portion of the proceeds of the sale of bonds or notes shall be used to compensate a District employee unless the employee actually performs duties related to the projects financed by this act, as provided in section 5(e).

(2) Within 30 days after the effective date of this act, and before any bonds or notes are issued pursuant to this act, the Mayor shall submit to the Council a list of all District employees who are compensated, in whole or part, by capital improvement funds.

(e) With respect to a negotiated sale of bonds or notes, the underwriters shall provide written notification to the District of the following circumstances:

(1) Any relationship, during the prior 2 years, with elected or appointed District officials, or the District's bond counsel or financial advisor, which could create a conflict of interest or apparent conflict of interest with the duties performed, or to be performed, by such underwriters or other advisors for the District;

(2) Any arrangement, during the prior 2 years, to share fees with other underwriters, firms, or individuals in connection with the provision of services to the District by either entity; and

(3) Any public finance transaction for any other issuer where the underwriter, or prospective underwriter, is serving, or has served in the prior 2 years, as financial advisor in any transaction where the District's financial advisor was, or is, an underwriter.

Sec. 22. Severability.

As provided in the General Rule of Severability Adoption Act of 1983, effective March 1984 (D.C. Law 5-56; D.C. Official Code § 45-201), if any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council, or otherwise invalid, the invalidity shall not affect other provisions or

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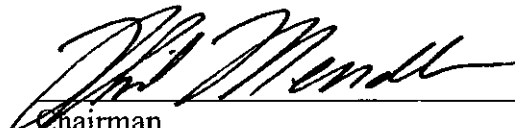
applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

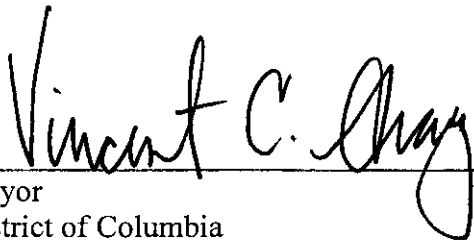
Sec. 23. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 24. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 31, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013

To amend, on an emergency basis, due to Congressional review, the Processing Sales Tax Clarification Act of 2010 to provide that the act shall apply when its fiscal effect is included in an approved budget and financial plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Processing Sales Tax Clarifying Congressional Review Emergency Amendment Act of 2013".

Sec. 2. Section 3 of the Processing Sales Tax Clarification Act of 2010, effective March 12, 2011 (D.C. Law 18-324; 58 DCR 3), is amended to read as follows:

"Sec. 3. Applicability.

This act shall apply as of January 1, 2010; provided, that its fiscal effect is included in an approved budget and financial plan."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

Sec. 4. Effective date.

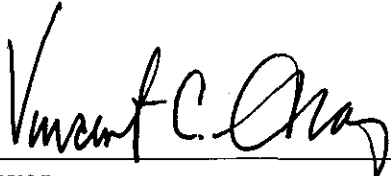
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 31, 2013



ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2013

To amend, on an emergency basis, due to Congressional review, the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation (“DDOT”) to administer the Federal Transit Administration 5310 grant program, to provide public and nonprofit organizations with vehicles to transport elderly and residents with disabilities within the District, to require participating organizations to deposit funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives to be eligible to participate in the program, and to allow DDOT to use the funds deposited into the District Department of Transportation Enterprise Fund for Transportation Initiatives by the participating nonprofit organizations toward the purchase of the vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District Department of Transportation Accessible Vehicles Fund Congressional Review Emergency Amendment Act of 2013”.

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 50-921.02) is amended by adding a new subsection (f) to read as follows:

“(f) The Director may:

“(1) Enter into agreements with private nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities pursuant to 49 U.S.C. § 5310 (the “5310 Program”);

“(2) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

“(3) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this subsection, including the requirement that the vehicle

## ENROLLED ORIGINAL

recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives;

“(4) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director; and

“(5) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor’s authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)”.

(b) Section 9e (D.C. Official Code § 50-921.13), is amended as follows:

(1) Subsection (a) is amended by striking the phrase “section 5” and inserting the phrase “sections 3(f) and 5” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (6)(C) is amended by striking the phrase “fines; and” and inserting the phrase “fines;” in its place.

(B) Paragraph (7) is amended by striking the phrase “Fund.” and inserting the phrase “Fund; and” in its place.

(C) A new paragraph (8) is added to read as follows:

“(8) Matching funds from private nonprofit organizations for the 5310 Program pursuant to section 3(f).”.

### Sec. 3. Applicability.

This act shall apply as of January 2, 2013.

### Sec. 4. Fiscal impact statement.

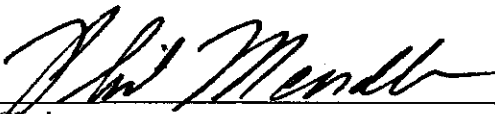
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

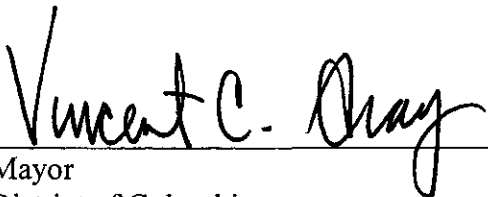
### Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 31, 2013

ENROLLED ORIGINAL

A RESOLUTION

20-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To confirm the appointment of Ms. S. Kathryn Allen to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Zoning Adjustment S. Kathryn Allen Confirmation Resolution of 2013”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. S. Kathryn Allen  
714 Whittier Street, N.W.  
Washington, D.C. 20012  
(Ward 4)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), replacing Rashida Y. V. MacMurray, for a term to end September 30, 2014.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at [www.dccouncil.us](http://www.dccouncil.us).

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PROPOSED LEGISLATION**

**BILLS**

B20-152 Permanent Supportive Housing Application Streamlining Amendment Act of 2013  
  
Intro. 02-27-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Human Services

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B20-153 Omnibus Health Regulation Amendment Act of 2013  
  
Intro. 02-28-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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**PROPOSED RESOLUTIONS**

PR20-105 Board of Massage Therapy Robert P. Fabia Confirmation Resolution of 2013  
  
Intro. 02-26-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR20-106 Slowe School Surplus Declaration Resolution of 2013  
  
Intro. 02-26-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations  
  
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**PROPOSED RESOLUTIONS con't**

PR20-107     Slowe School Disposition Approval Resolution of 2013

Intro. 02-26-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development

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PR20-110     Board of Dietetics and Nutrition Edward M. Johnson Confirmation Resolution of 2013

Intro. 02-28-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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**Council of the District of Columbia  
Committee on Business, Consumer, and Regulatory Affairs  
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 6 Washington, DC 20004

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***ABBREVIATED AND REVISED***

**COUNCILMEMBER VINCENT B. ORANGE, SR., CHAIR  
ANNOUNCES A PUBLIC HEARING  
OF THE COMMITTEE ON BUSINESS, CONSUMER AND  
REGULATORY AFFAIRS  
ON  
B20-62, THE “LARGE RETAILER ACCOUNTABILITY ACT OF 2013”**

**WEDNESDAY, MARCH 20, 2013, 9:00 A.M  
JOHN A. WILSON BUILDING, ROOM 500  
1350 PENNSYLVANIA AVENUE, N.W.**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B20-62, the “Large Retailer Accountability Act of 2013”. The public hearing is scheduled for March 20, 2013 at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW. **This abbreviated notice is being filed pursuant to Rule 421(c)(1). It is being revised to notify the public of a change in time for the hearing from 10:00 a.m. to 9:00 a.m.**

B20-62, the “Large Retailer Accountability Act of 2013”, proposes to establish standards for responsible business practices by large retailers by ensuring that they pay living wages and provide benefits.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Wednesday, March 13, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, April 3, 2013. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING**

on

**Bill 20-64, Teachers' Retirement Amendment Act of 2013**

on

**Friday, April 26, 2013  
12:30 p.m., Hearing Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on PR 20-64, the "Teachers' Retirement Amendment Act of 2013." The public hearing will be held Friday, April 26, 2013, at 12:30 p.m. in Hearing Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 20-64 is to amend An Act for the retirement of public-school teachers in the District of Columbia to provide for early retirement without penalty for teachers separated from service under the District of Columbia Public Schools' Performance-Based Excessing Policy and to provide for the administration of certain awards.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Jessica Jacobs, Legislative Counsel, at [jjacobs@dccouncil.us](mailto:jjacobs@dccouncil.us) and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, April 24, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on April 24, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, May 10, 2013.



COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC HEARING ON**  
**Bill 20-140, the Bicycle Safety Amendment Act of 2013**

Monday, March 25, 2013  
at 11:00 a.m.  
in Room 500 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Monday, March 25, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-140, the Bicycle Safety Amendment Act of 2013. This hearing will be held concurrently with a public oversight roundtable on pedestrian and bicycle infrastructure and safety and will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on April 8, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**NOTICE OF PUBLIC HEARINGS**  
**AGENCY PERFORMANCE OVERSIGHT HEARINGS**  
**FISCAL YEAR 2012-2013**

3/5/2013

**SUMMARY**

- |                                        |                                                                                                                                      |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| January 29, 2013                       | Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) Released.                                                              |
| February 6, 2013                       | Committee of the Whole Public Briefing on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)<br>9:30 a.m. in Room 500 |
| February 11, 2013 to<br>March 15, 2013 | Agency Performance Oversight Hearings on Fiscal Year 2012-2013                                                                       |

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2012 and FY 2013. The hearings will begin Monday, February 11, 2013 and conclude on Friday, March 15, 2013 and will take place in the Council Chamber (Room 500), Room 412, Room 120, and Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 20 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 6, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Subject</b>
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR)

**COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS**

**Chairperson Vincent Orange**

<b>MONDAY, FEBRUARY 11, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Motion Picture and Television Development
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: [gfisher@dccouncil.us](mailto:gfisher@dccouncil.us).

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Kenyan McDuffie**

<b>TUESDAY, FEBRUARY 12, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Human Resources
	Disability Compensation Fund
	Office of Employee Appeals
	Office of Risk Management
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us).

**COMMITTEE ON EDUCATION**

**Chairperson David Catania**

<b>WEDNESDAY, FEBRUARY 13, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS**

**Chairperson Marion Barry**

<b>THURSDAY, FEBRUARY 14, 2013; ROOM 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Latino Affairs and Commission on Latino Community Development
	Office of Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of Human Rights
	Commission on Human Rights
	Office of Community Affairs
	Office of African Affairs
	Commission for Women's Policy and Initiative
	Office of Gay, Lesbian, Bisexual & Transgender (GLBT) Affairs
	Office of Religious Affairs/Interfaith Council
	DC Youth Advisory Council
DC Mayors One Neighborhood Engagement	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: [gking@dccouncil.us](mailto:gking@dccouncil.us).

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Tommy Wells**

**THURSDAY, FEBRUARY 14, 2013; COUNCIL CHAMBER (ROOM 500)**

Time	Agency
10:00 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities & Tenure
	Sentencing & Criminal Code Revision Commission
	Corrections Information Council
	Office on Ex-Offender Affairs
	Department of Corrections
	Office of Administrative Hearings
	Homeland Security & Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Tommy Wells**

**WEDNESDAY, FEBRUARY 20, 2013; COUNCIL CHAMBER ROOM 500**

Time	Agency
10:00 a.m. - End	Fire & Emergency Medical Services Department
	Office of Unified Communications
	National Guard
	Office of Victim Services
	Justice Grants Administration
	Criminal Justice Coordinating Council
	Deputy Mayor for Public Safety & Justice

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary & Public Safety at 724-7808 or e-mail: [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**COMMITTEE ON HUMAN SERVICES** **Chairperson Jim Graham**

**THURSDAY, FEBRUARY 21, 2013; ROOM 120**

Time	Agency
10:00 a.m. - End	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us).

**COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS** **Chairperson Marion Barry**

**THURSDAY, FEBRUARY 21, 2013; COUNCIL CHAMBER (ROOM 500)**

Time	Agency
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: [gking@dccouncil.us](mailto:gking@dccouncil.us).

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Kenyan McDuffie**

**WEDNESDAY, FEBRUARY 21, 2013; ROOM 412**

Time	Agency
10:00 a.m. - End	Advisory Neighborhood Commissions
	Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance
	Office of Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us).

**COMMITTEE ON ECONOMIC DEVELOPMENT** **Chairperson Muriel Bowser**

<b>FRIDAY, FEBRUARY 22, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Housing and Community Development
	Housing & Finance Agency
	Office of Cable Television

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: [rhawkins@dccouncil.us](mailto:rhawkins@dccouncil.us).

**COMMITTEE ON EDUCATION** **Chairperson David Catania**

<b>FRIDAY, FEBRUARY 22, 2013; ROOM 412</b>	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witness Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>FRIDAY, FEBRUARY 22, 2013; ROOM 123</b>	
Time	Agency
11:00 a.m. - End	Water And Sewer Authority
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, FEBRUARY 25, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

**COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS** **Chairperson Vincent Orange**

<b>MONDAY, FEBRUARY 25, 2013; ROOM 412</b>	
Time	Agency
10:00 a.m. - End	Boxing and Wrestling Commission
	Commission on Fashion Arts and Events
	Real Estate Commission
	Emancipation Commemoration Commission
	Public Access Corporation
	Financial Literacy Council
	Securities Advisory Committee
	Board of Consumer Claims Arbitration for the District of Columbia
Construction Codes Coordinating Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or e-mail: [gfisher@dccouncil.us](mailto:gfisher@dccouncil.us).

**COMMITTEE ON HUMAN SERVICES** **Chairperson Jim Graham**

<b>TUESDAY, FEBRUARY 26, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
Time	Agency
11:00 a.m.	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us).

**COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS** **Chairperson Vincent Orange**

<b>TUESDAY, FEBRUARY 26, 2013; ROOM 412</b>	
Time	Agency
10:00 a.m. - End	Board of Accountancy
	Board of Architecture and Interior Designers
	Board of Barber and Cosmetology
	Board of Condemnation and Insanitary Buildings
	Board of Funeral Directors
	Board of Industrial Trades
	Board of Professional Engineering
	Board of Real Estate Appraisers

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or email: [gfisher@dccouncil.us](mailto:gfisher@dccouncil.us).

**COMMITTEE ON EDUCATION** **Chairperson David Catania**

<b>WEDNESDAY, FEBRUARY 27, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Tommy Wells**

<b>WEDNESDAY, FEBRUARY 27, 2013; ROOM 412</b>	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints
	Department of Forensic Sciences
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-8191 or e-mail: [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**COMMITTEE ON FINANCE AND REVENUE** **Chairperson Jack Evans**

<b>THURSDAY, FEBRUARY 28, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
Time	Agency
9:00 a.m. - End	Washington Convention and Sports Authority/Events DC
	Destination DC
	Commission on Arts & Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 724-8058 or e-mail: [sloy@dccouncil.us](mailto:sloy@dccouncil.us).

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Kenyan McDuffie**

THURSDAY, FEBRUARY 28, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of General Services
	Office of Partnerships and Grants Services
	Office of People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us).

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Chairperson Muriel Bowser**

FRIDAY, MARCH 1, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Planning and Economic Dev.
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or e-mail: [rhawkins@dccouncil.us](mailto:rhawkins@dccouncil.us).

**COMMITTEE ON EDUCATION**

**Chairperson David Catania**

FRIDAY, MARCH 1, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS**

**Chairperson Marion Barry**

MONDAY, MARCH 4, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Workforce Investment Council
	Department of Employment Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: [gking@dccouncil.us](mailto:gking@dccouncil.us).

**COMMITTEE ON HUMAN SERVICES**

**Chairperson Jim Graham**

MONDAY, MARCH 4, 2013; ROOM 412	
Time	Agency
10:00 a.m. - 3:00 p.m.	Children and Youth Investment Trust Corporation
3:00 p.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us).

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Tommy Wells**

MONDAY, MARCH 4, 2013; ROOM 123	
Time	Agency
2:00 p.m. - End	Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-8191 or e-mail: [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** Chairperson Mary Cheh

<b>MONDAY, MARCH 4, 2013; ROOM 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Pedestrian Advisory Council
	Bicycle Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

**COMMITTEE ON HEALTH** Chairperson Yvette Alexander

<b>WEDNESDAY, MARCH 6, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us). **If DC Government has a DELAYED opening on Wednesday, March 6, 2013 due to snow, the hearing will commence after the delay. If DC Government is CLOSED on Wednesday, March 6, 2013 due to snow, agency performance hearings will be rescheduled to Monday, March 18, 2013 @ 11:00 a.m in the Room 412.**

**COMMITTEE OF THE WHOLE** Chairman Phil Mendelson

<b>WEDNESDAY, MARCH 6, 2013; ROOM 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: [jjacobs@dccouncil.us](mailto:jjacobs@dccouncil.us). **If DC Government has a DELAYED opening on Wednesday, March 6, 2013 due to snow, the hearing will commence after the delay. If DC Government is CLOSED on Wednesday, March 6, 2013 due to snow, agency performance hearings will be rescheduled to Thursday, March 7, 2013 @ 10:30 a.m in Room 412.**

**COMMITTEE ON EDUCATION** Chairman David Catania

<b>WEDNESDAY, MARCH 6, 2013; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the State Superintendent of Education
	State Board of Education
	Bullying Prevention Task Force
	Health Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON FINANCE & REVENUE** Chairperson Jack Evans

<b>THURSDAY, MARCH 7, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the Chief Financial Officer
	Office of Finance & Treasury
	Office of Financial Management & Operations
	Office of Tax and Revenue
	District of Columbia Lottery & Charitable Games Control Board
	Real Property Tax Appeals Commission for the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee of Finance and Revenue at 724-8058 or e-mail: [sloy@dccouncil.us](mailto:sloy@dccouncil.us).



**COMMITTEE ON HUMAN SERVICES**

Chairperson Jim Graham

THURSDAY, MARCH 7, 2012; ROOM 123	
Time	Agency
11:00 a.m. - End	Office of Disability Rights
	Department on Disability Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us).

**COMMITTEE ON HEALTH**

Chairperson Yvette Alexander

FRIDAY, MARCH 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us).

**COMMITTEE ON GOVERNMENT OPERATIONS**

Chairperson Kenyan McDuffie

MONDAY, MARCH 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of Policy and Legislative Affairs
	Serve DC
	Office of Community Affairs
	Office of the City Administrator
	Office of the Chief Technology Officer
	Secretary of the District of Columbia
Notaries Public Board of Review	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us).

**COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS**

Chairperson Marion Barry

MONDAY, MARCH 11, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Workforce Investment Council (Continuation)
	Department of Employment Services (Continuation)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: [gking@dccouncil.us](mailto:gking@dccouncil.us).

**COMMITTEE OF THE WHOLE**

Chairman Phil Mendelson

TUESDAY, MARCH 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	District of Columbia Retirement Board
	University of the District of Columbia
	Community College of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: [rjohnson@dccouncil.us](mailto:rjohnson@dccouncil.us).

**COMMITTEE ON HEALTH**

Chairperson Yvette Alexander

TUESDAY, MARCH 12, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of Mental Health
	Office of The Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us).

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** Chairperson Mary Cheh

TUESDAY, MARCH 12, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

**COMMITTEE ON HUMAN SERVICES** Chairperson Jim Graham

WEDNESDAY, MARCH 13, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us).

**COMMITTEE OF THE WHOLE** Chairman Phil Mendelson

THURSDAY, MARCH 14, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:30 a.m. - 2:00 p.m.	Metropolitan Washington Council of Governments
	District of Columbia Auditor
	Office of Labor Relations and Collective Bargaining
	Office of Budget and Planning
	Metropolitan Washington Airports Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: [rjohnson@dccouncil.us](mailto:rjohnson@dccouncil.us).

**COMMITTEE ON EDUCATION** Chairperson David Catania

THURSDAY, MARCH 14, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: [bwilliamskief@dccouncil.us](mailto:bwilliamskief@dccouncil.us).

**COMMITTEE ON HEALTH** Chairperson Yvette Alexander

THURSDAY, MARCH 14, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Board of Allied Health
	Board of Audiology and Speech-Language Pathology
	Board of Behavioral Health
	Board of Chiropractic
	Board of Dentistry
	Board of Dietetics and Nutrition
	Board of Marriage and Family Therapy
	Board of Massage
	Board of Medicine
	Board of Nursing
	Board of Nursing Home Administration
	Board of Occupational Therapy
	Board of Optometry
	Board of Pharmacy
	Board of Physical Therapy
	Board of Podiatry
	Board of Professional Counseling
Board of Psychology	
Board of Respiratory Care	
Board of Veterinary Examiner	
Not-For-Profit Hospital Corporation	
Department of Health and Boards	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us).

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>FRIDAY, MARCH 15, 2013; COUNCIL CHAMBER (ROOM 500)</b>	
<b>Time</b>	<b>Agency</b>
Noon - End	Contract Appeals Board Office of Contracting & Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacob, Committee of the Whole at 724-8038 or e-mail: [jjacobs@dccouncil.us](mailto:jjacobs@dccouncil.us).

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Chairperson Muriel Bowser**

<b>FRIDAY, MARCH 15, 2013; COUNCIL CHAMBER (ROOM 120)</b>	
<b>Time</b>	<b>Agency</b>
1:00 p.m - End	Washington Area Metropolitan Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or e-mail: [rhawkins@dccouncil.us](mailto:rhawkins@dccouncil.us).

**Addendum of Changes to Schedule:**

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/14/2013	2/12/2013	Committee on Workforce and Community Affairs
3/4/2013	2/27/2013	Committee on the Judiciary and Public Safety (Office of the Chief Medical Examiner)
3/15/2013	3/1/2013	Committee on Economic Development (WMATA)
3/11/2013	3/4/2013	Committee on Workforce and Community Affairs Oversight Continuation (WIC and DOES)

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON**

**Safety in Taxicabs**

Wednesday, March 27, 2013  
at 11:00 A.M.  
in Room 500 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On March 27, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public Roundtable on Safety in Taxicabs. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

On February 25, 2013, the Committee held its annual oversight hearing on the District of Columbia Taxicab Commission. During this hearing, the Commission stated that it receives approximately 150 complaints per month, 80% of which are from women who feel threatened, harassed, or unsafe in taxicabs. The purpose of this hearing is to understand the processes by which the Commission evaluates, investigates, and resolves these complaints.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on Wednesday, May 15, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT  
MARY M. CHEH, CHAIR

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**REVISED**

**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON**

**The Wisconsin Avenue Upgrade/Streetscape Project**

Wednesday, May 1, 2013  
at 11:00 A.M.  
in Room 412 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On May 1, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public Roundtable on Wisconsin Avenue Upgrade/Streetscape Project. The Roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. **This notice is revised to reflect the new date and time for this roundtable.**

In 2006, the Office of Planning issued the Glover Park Commercial District Analysis Report, which included a set of recommendations for improving Wisconsin Avenue in Glover Park. Through the Wisconsin Avenue Upgrade/Streetscape Project, the District Department of Transportation has sought to implement the goals of this report and to improve the safety, traffic, pedestrian mobility, and retail accessibility of Wisconsin Avenue from the intersection of 34th Street to the intersection of Massachusetts Avenue.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on Wednesday, May 15, 2013.

Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 20-121, the "Sense of the Council is Support of Earth Hour Resolution of 2013" in order to consider the proposed resolution at the additional legislative meeting on March 19<sup>th</sup>, 2013. Earth Hour is scheduled for March, 23, 2013 at 8:30 p.m., and in order to truly demonstrate support for this worldwide event, action would be necessary on March 19.

**COUNCIL OF THE DISTRICT OF COLUMBIA****CONSIDERATION OF TEMPORARY LEGISLATION**

**B20-155**, “Captive Earthquake Property Insurance Temporary Amendment Act of 2013”, **B20-158**, “Temporary Assistance for Needy Families Time Extension Temporary Amendment Act of 2013” and **B20-165**, “Egregious First-Time Sale to Minor Clarification Temporary Amendment Act of 2013” were adopted on first reading on March 5, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on April 9, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s)

A reprogramming will become effective on the 15<sup>th</sup> day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31<sup>st</sup> day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, Room 5, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10. Telephone: 724-8050

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**Reprog. 20-21:** Request to reprogram \$1,346,100 of capital funds budget authority and allotment from the Department of General Services (DGS) to the Department of Public Works (DPW) was filed in the Office of the Secretary on February 27, 2013. This reprogramming will enable DPW to support the costs of improvements to the Benning Road Transfer Station because the building is inoperable due to a fire in the summer of 2012.

RECEIVED: 14 day review begins February 28, 2013

**Reprog. 20-22:** Request to reprogram \$1,000,000 of Fiscal Year 2013 Special Purpose Revenue funds budget authority within the District Department of the Environment (DDOE) was filed in the Office of the Secretary on March 4, 2013. This reprogramming is needed to administer Renewable Energy Incentive Program activities for Fiscal Year 2013.

RECEIVED: 14 day review begins March 5, 2013



**Reprog. 20-23:** Request to reprogram \$400,000 of Fiscal Year 2013 Special Purpose Revenue funds budget authority within the Office of the Chief Technology Officer (OCTO) was filed in the Office of the Secretary on March 4, 2013. This reprogramming supports a Memorandum of Understanding between the D.C. Retirement Board (DCRB) and OCTO to cover the acquisition of PeopleSoft-related services.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-24:** Request to reprogram \$700,000 of Fiscal Year 2013 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on March 4, 2013. This reprogramming covers replacement cost associated with the Aspect Telephony system, which aids in customer service support between Office of Tax and Revenue staff and District taxpayers.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-25:** Request to reprogram \$5,580,000 of Fiscal Year 2013 Special Purpose Revenue funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on March 4, 2013. This reprogramming will create a new activity and fund structure for the Central Collections Unit that will allow the agency to identify the specific funding source for the program and properly record budget and expenditure transactions.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-26:** Request to reprogram \$8,869,500 of capital funds budget authority and allotment within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on March 4, 2013. This reprogramming will enable the Department of General Services (DGS) to complete the FY 2013 school modernization plan within the scope specified by DCPS' educational program.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-27:** Request to reprogram \$6,500,000 of capital funds budget authority and allotment from the Department of General Services (DGS) to the D.C. National Guard (DCNG) was filed in the Office of the Secretary on March 4, 2013. This reprogramming will enable the DGS to upgrade and rehabilitate a semi-abandoned facility at Oak Hill, Laurel, MD.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-28:** Request to reprogram \$490,000 of capital funds budget authority and allotment from the Department of General Services (DGS) to the Department of Public Works (DPW) was filed in the Office of the Secretary on March 4, 2013. This reprogramming will enable DPW to support the additional costs of change orders necessary for improvements at the Blue Plains District Impoundment Lot, located at 5001 Shepherd Parkway, SW.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-29:** Request to reprogram \$900,000 of Fiscal Year 2013 Local funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on March 4, 2013. This reprogramming ensures that OSSE is able to partner with Advocates for Justice as part of the Incarcerated Youth program.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-30:** Request to reprogram \$8,479,840 of capital funds budget authority and allotment within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on March 4, 2013. This reprogramming will enable the Department of General Services (DGS) to complete the FY 2012 school modernization plan that will support the DCPS educational program.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-31:** Request to reprogram \$1,147,288 of Fiscal Year 2013 budget authority within the D.C. Commission on the Arts and Humanities (DCCAH) was filed in the Office of the Secretary on March 4, 2013. This reprogramming ensures that the DCCAH will be able to support contractual and equipment cost related to the delivery of grants and cultural programs to District residents.

RECEIVED: 14 day review begins March 5, 2013

**Reprog. 20-32:** Request to reprogram \$2,521,504 of Fiscal Year 2013 Local Funds budget authority within the Department of Mental Health (DMH) was filed in the Office of the Secretary on March 4, 2013. This reprogramming ensures that DMH will be able to cover increased cost projections for Mental Health Rehabilitation Services (MHRS) for individuals not covered by Medicaid or Managed Care benefits.

RECEIVED: 14 day review begins March 5, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, MARCH 13, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S,  
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson  
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

<b>Protest Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 13-PRO-00004;</b> Amduffy, LLC, t/a Duffy's Irish Restaurant 2106 Vermont Ave NW, License #72539, Retailer CT, ANC 1B	
<b>Substantial Change (Sidewalk Cafe)</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-CC-00064;</b> Maddy's, LLC, t/a Maddy's Bar and Grille, 1726 Connecticut Ave NW, License #82036, Retailer CR, ANC 2B	
<b>Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-CMP-00488;</b> Garay Corporation, t/a Corina's Restaurant 831 Kennedy Street NW, License #79873, Retailer CR, ANC 4D	
<b>No ABC Manager on Duty</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-AUD-00047;</b> Taj Mahal Enterprises, Ltd, t/a Fiesta Restaurant and Lounge, 1327 Connecticut Ave NW, License #882, Retailer CR, ANC 2B	
<b>Failed to File Quarterly Statements (3rd Quarter 2012)</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-CMP-00587;</b> SAS Convenience, Inc., t/a Shop Express, 3900, Benning Road NE, License #74500, Retailer B, ANC 7F	
<b>Sold Go-Cups</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-CMP-00390;</b> Zebader D. Tesema, t/a Georgia Line Convenience Store, 5125 Georgia Ave NW, License #79225, Retailer B, ANC 4D	
<b>No ABC Manager on Duty</b>	
<b>Status Hearing</b>	<b>9:30 AM</b>
<b>Case # 11-251-00103;</b> Caribbean Vibes, Inc., t/a Club Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C	
Respondent's Request for Reconsideration of Board Order No. 2012-379	

Board's Calendar

Page -2- March 13, 2013

**Fact Finding Hearing**

**10:30 AM**

Cadence, LLC, t/a Legends; 1836 Columbia Road NW, License #86083

Retailer CR, ANC 1C

**License in Safekeeping**

**Show Cause Hearing**

**11:00 AM**

**Case # 12-CC-00057, # 12-CC-00051;** Twin T's LLC, t/a DC Shenanigans

(formerly McNasty's), 2450 18th Street NW, License #88119, Retailer CT

ANC 1C

**Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking**

**Age**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**RE-ADVERTISE**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: March 8, 2013  
 Petition Date: April 22, 2013  
 Roll Call Hearing Date: May 6, 2013  
 Protest Hearing Date: June 26, 2013

License No.: ABRA-91434  
 Licensee: Black Whiskey LLC  
 Trade Name: Black Whiskey  
 License Class: Retailer’s Class “C” Tavern  
 Address: 1410 14<sup>th</sup> Street, NW  
 Contact: Andrew Kline, 202-686-7600

WARD 2                      ANC 2F                      SMD 2F02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on June 26, 2013.

NATURE OF OPERATION

New Full Service Restaurant serving American cuisine with occasional DJ and Dancing. Number of inside seats is 140. Total occupancy load is 275. Summer Garden, number of seats is 20.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday 11:30am –1am; Monday through Thursday 11:30am-2am; Friday & Saturday 11:30am-3am

HOURS OF ENTERTAINMENT FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday 6pm-1am; Monday through Thursday 6pm-2am; Friday & Saturday 6pm-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 8, 2013
Petition Date: April 22, 2013
Roll Call Hearing Date: May 6, 2013
Protest Hearing Date: June 26, 2013

License No.: ABRA-091602
Licensee: Three Chords, LLC
Trade Name: Eat The Rich
License Class: Retailer's Class "C" Tavern
Address: 1839-1841 7th Street NW
Contact: Angelica Salame 240-515-5385 angie@laughingcocktail.com

WARD 1 ANC 1B SMD 1B01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on June 26, 2013.

NATURE OF OPERATION

Bar focusing on Farm Raised Chesapeake Oysters, local beer, and mixed drinks. Seating Capacity is 67, with a total Occupancy Load of 67.

PROPOSED HOURS OF OPERATION FOR PREMISE:

Sunday through Thursday 8:00 am – 2:00 am, Friday and Saturday 8:00 am – 3:00 am

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES:

Sunday through Thursday 10 am – 2 am Friday and Saturday 10 am – 3am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 8, 2013
Petition Date: April 22, 2013
Hearing Date: May 6, 2013

License No.: ABRA-090412
Licensee: Froggy Times, Inc
Trade Name: Froggy Bottom Pub
License Class: Retailer's Class "C" Restaurant
Address: 2021 K Street, N.W.
Phone: Andrew Kline, 202-686-7600

WARD 2 ANC 2A SMD 2A06

Notice is hereby given that this licensee who has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE NATURE OF OPERATIONS:

This licensee was approved for a sidewalk café; it was later determined that a summer garden rather than a sidewalk café will be at this location with seating for 25 patrons.

SUMMER GARDEN HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

Sunday through Thursday 11am-11pm; Friday & Saturday 11am-12am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: March 8, 2013  
Petition Date: April 22, 2013  
Roll Call Hearing Date: May 6, 2013  
Protest Hearing Date: June 26, 2013

License No.: ABRA-091608  
Licensee: Krung-Thep Washington, LLC  
Trade Name: Krung-Thep  
License Class: Retailer’s Class “C” Restaurant  
Address: 2101 L Street, NW  
Contact: Stephen J. O’Brien, Attorney 202-625-7700

WARD 2                      ANC 2A                      SMD 2A06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on June 26, 2013.

NATURE OF OPERATION

New Full Service Thai Restaurant and Bar. Seating Capacity is 142, with a total Occupancy Load of 174 and Summer Garden with 52 seats.

PROPOSED                      HOURS                      OF                      OPERATION                      AND  
SALES/SERVICE/CONSUMPTION FOR PREMISE AND SUMMER GARDEN:

Monday through Sunday 11:00am – 12:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 8, 2013
Petition Date: April 22, 2013
Roll Call Hearing Date: May 6, 2013
Protest Hearing Date: June 26, 2013

License No.: ABRA-91044
Licensee: The Noodle Shop, Co.-Colorado, Inc
Trade Name: Noodles & Company
License Class: Retailer's Class "C" Restaurant
Address: 1815 Wisconsin Avenue, NW
Contact: Stephen O'Brien, 202-625-7700

WARD 2 ANC 2E SMD 2E07

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on June 26, 2013.

NATURE OF OPERATION

New fast casual themed restaurant serving global noodle dishes. No entertainment. Inside premises total occupancy load is 77. Summer Garden with seating for 40 patrons.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 10am-10pm and Friday & Saturday 10am-11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 8, 2013
Petition Date: April 22, 2013
Roll Call Hearing Date: May 6, 2013
Protest Hearing Date: June 26, 2013

License No.: ABRA-091178
Licensee: Ruby Tuesday, Inc.
Trade Name: Lime Fresh Mexican Grill # 6347
License Class: Retailer's Class "C" Tavern
Address: 726 7th Street NW
Contact: Jonathan Farmer 202-744-9796

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on June 26, 2013.

NATURE OF OPERATION

A new full service restaurant, serving healthy Mexican cuisine and beverages. Total Occupancy Load is 66; number of seats inside is 58.

HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday through Thursday 11 am to 11 pm; Friday & Saturday 11 am to 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: March 8, 2013
Petition Date: April 22, 2013
Hearing Date: May 6, 2013

License No.: ABRA-091452
Licensee: New York Avenue Beach Bar, LLC
Trade Name: The Elroy
License Class: Retailer's Class "C" Tavern
Address: 1423 H Street, NE
Contact: Karl Graham: 202-656-4229

WARD 6 ANC 6A SMD 6A06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

THIS IS A TRANSFER TO NEW LOCATION

FROM: 645 New York Avenue, NW

NATURE OF OPERATION

New Tavern. Beach themed Outdoors. Entertainment to be provided by DJ. No Nude Performances. Licensed Food Trucks will provide sale of food on premises; food prepared off-site and warmed on-premises. Total Load is 100; Total Number of seats is 40.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE /CONSUMPTION

Sunday: 11am - 2 am; Monday: Closed; Tuesday through Friday: 3pm - 2am; Saturday: 12 pm - 3 am.

HOURS OF LIVE ENTERTAINMENT ENDOSEMENT

Sunday: 11 am - 2 am; Monday: Closed; Tuesday through Friday: 3pm - 2am; Saturday: 12pm - 3am

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, MAY 7, 2013  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. MORNING HEARING SESSION**

**A.M.**

**WARD THREE**

18548            **Application of Marc Fisher and Jody Goodman**, pursuant to 11 DCMR  
ANC-3E            § 3104.1, for a special exception under section 223, to allow a rear  
                         addition to an existing one-family detached dwelling not meeting the rear  
                         yard (section 404) requirements in the R-1-B District at premises 3907  
                         Harrison Street, N.W. (Square 1754, Lot 2).

**WARD ONE**

18549            **Application of Carlos Jackson**, pursuant to 11 DCMR § 3104.1, for a  
ANC-1A            special exception under section 223, to allow a rear deck addition to an  
                         existing one-family row dwelling not meeting the lot occupancy (section  
                         403) requirements in the R-4 District at premises 1458 Spring Road, N.W.  
                         (Square 2690, Lot 43).

**WARD THREE**

**THIS APPLICATION WAS POSTPONED FROM THE APRIL 9, 2013, PUBLIC HEARING SESSION:**

18532            **Application of Michelle B. Hassine**, pursuant to 11 DCMR §§ 3104.1  
ANC-3C            and 3103.2, for a special exception and variance to allow an accessory  
                         apartment under section 202.10, in the R-2 District at premises 2919 39th  
                         Street, N.W. (Square 1814, Lot 76).

**WARD TWO**

## BZA PUBLIC HEARING NOTICE

MAY 7, 2013

PAGE NO. 2

**THIS APPLICATION WAS POSTPONED FROM THE MARCH 26, 2013,  
PUBLIC HEARING SESSION:**

18521            **Application of 819 6<sup>th</sup> St LLC**, pursuant to 11 DCMR § 3103.2, for a  
ANC-2C            variance from the lot occupancy requirements under section 403, and a  
                         variance from the rear yard requirements under section 404, to allow the  
                         construction of an apartment building in the DD/R-5-E District at premises  
                         819 6<sup>th</sup> Street, N.W. (Square 485, Lot 15).

**WARD SIX**

18546            **Application of Manny & Olga's Pizza**, pursuant to 11 DCMR § 3104.1,  
ANC-6A            for a special exception to allow a fast food establishment under subsection  
                         1302.4(c), in the HS-A/C-3-A District at premises 1409 H Street, N.E.  
                         (Square 1049, Lot 25).

**WARD SIX**

18550            **Application of Valor 1350 Maryland LLC**, pursuant to 11 DCMR §§  
ANC-6A            3104.1, 3103.2, and 1325.1, for a variance from parking setback  
                         requirements under subsection 2116.12, and a special exception to allow a  
                         new residential building on a lot with more than 6,000 square feet of land  
                         area under subsection 1320.4, in the HS-C-3-A District at premises 1350  
                         Maryland Avenue, N.E. (Square 1027, Lots 141, 142, 143 and 849).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application**

## BZA PUBLIC HEARING NOTICE

MAY 7, 2013

PAGE NO. 3

**Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, NICOLE C. SORG, VICE CHAIRPERSON,  
S. KATHRYN ALLEN, JEFFREY L. HINKLE AND A MEMBER OF THE  
ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT,  
CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING.**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**                      **Thursday, May 2, 2013, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. CASE NO. 07-18D (Jemal's Up Against the Wall LLC -- Approval to Modify PUD Approved at 1000 F Street, NW)**

**THIS CASE IS OF INTEREST TO ANC 2C**

On October 15, 2012, the Office of Zoning received an application from Jemal's Up Against the Wall (the "Applicant"). The Applicant is requesting approval for the modification of an approved planned unit development ("PUD") in conformity with Chapter 24 of the District of Columbia Zoning Regulations (Title 11, DCMR). The subject property is located at 1000 F Street, N.W., at the southwest corner of 10<sup>th</sup> and F Streets, N.W., and is more particularly known as Lots 18, 19, and 818-821 in Square 347 (the "Property"). The Office of Planning provided its setdown report to the Zoning Commission, dated December 10, 2012, and the case was set down for hearing by the Zoning Commission on December 12, 2012. The Applicant provided its prehearing statement on February 12, 2013.

The Property has a land area of approximately 11,790 square feet and is zoned DD/C-4. It is within the historic area known as the Pennsylvania Avenue National Historic Site ("NHS"). A historic structure occupies the northeast corner of the site and will be incorporated into the proposed development.

Pursuant to Zoning Commission Order No. 07-18, issued May 16, 2008, the Zoning Commission approved a PUD on the Property that would consist of a new 11-story office building with approximately 97,872 square feet of gross floor area, including 7,813 square feet devoted to retail uses. The approved project has a density of 8.3 FAR and will rise to a maximum height of 120 feet, as measured from F Street. The approved project also includes four levels of below-grade parking with approximately 19 zoning-compliant parking spaces, four compact spaces and 38 vault spaces.

The PUD was originally valid until May 16, 2010. The validity of the approved PUD has been extended by Zoning Commission Order Nos. 07-18A, 07-18B, and 07-18C, such that an application for a building permit would need to be filed no later than May 16, 2014, and construction starting no later than May 16, 2015.

Z. C. Notice of Public Hearing  
Z.C. Case No. 07-18D  
Page 2

The Applicant proposes the following modifications to the approved PUD: (1) two levels of the underground parking would be eliminated, the two remaining levels would be valet parking only; (2) the ground floor of the building has been reconfigured; (3) the utility and associated service rooms have been relocated; (4) the west alley façade, the size and location of the garage and the loading berth doors have been modified; and (5) at the south façade the extent of terra cotta cladding will be reduced and replaced with brick except for a return at the 10<sup>th</sup> Street side, and five paired windows at the fifth floor will be eliminated. In all other respects, the proposed project will be consistent with the prior PUD approval and the conditions set forth in Zoning Commission Order No. 07-18, as modified by Zoning Commission Order No. 07-18C.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 150 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

Z. C. Notice of Public Hearing  
Z.C. Case No. 07-18D  
Page 3

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

**Time limits.**

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**DISTRICT OF COLUMBIA BOARD OF ETHICS  
AND GOVERNMENT ACCOUNTABILITY**

**NOTICE OF FINAL RULEMAKING**

The Board of Ethics and Government Accountability (Board), pursuant to the authority set forth in Section 209 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.* (2012 Supp.)), hereby gives notice of final rulemaking action to add new Chapters 57 (Financial Disclosures and Honoraria) and 58 (Registration of Lobbyists), of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (“DCMR”).

The emergency and proposed rulemaking was adopted by the Board on December 20, 2012, and became effective immediately, published in the *D.C. Register* on December 28, 2012, at 59 DCR 15098. No written comments were received and no substantive changes have made to the text of the proposed rules. The Board adopted the rulemaking as final on February 7, 2013. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

**Title 3, ELECTIONS AND ETHICS, of the DCMR is amended by adding new Chapters 57 and 58 to read as follows:**

**CHAPTER 57            FINANCIAL DISCLOSURES AND HONORARIA**

**5700            APPLICABILITY**

5700.1            The provisions of this chapter shall establish the procedures for filing financial disclosure forms and the limitations on honoraria pursuant to the authority set forth in the Subtitle D of the Government Ethics Act of 2011 (Act), Title II of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.* (2012 Supp.)).

5700.2            The Financial Disclosure Statement (FDS) form, prescribed by the Director of the Government Ethics (Director), shall be filed by the following public officials:

- (a)            A candidate for nomination for election, or election, to public office;
- (b)            The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under the Home Rule Act;
- (c)            The Attorney General;
- (d)            A Representative or Senator elected pursuant to Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-123 (2006 Repl.));

- (e) A member of the State Board of Education;
- (f) A person serving as a subordinate agency head in a position designated as within the Executive Service;
- (g) A member of a board or commission listed in Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §1-523.01(e)(2006 Repl.)); and
- (h) A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

## **5701 DISCLOSURE REQUIREMENTS**

5701.1 The public official shall list on the FDS the following:

- (a) The name of each business entity, including sole proprietorships, partnerships, trusts, nonprofit organizations, and corporations, whether or not transacting any business with the District of Columbia government, in or from which the public official or his or her spouse, domestic partner, or dependent children:
  - (i) Has a beneficial interest, including, whether held in such person's own name, in trust, or in the name of a nominee, securities, stocks, stock options, bonds, or trusts, exceeding in the aggregate \$1,000, or that produced income of \$200 in a calendar year;
  - (ii) Receives honoraria and income earned for services rendered in excess of \$200 during a calendar year, as well as the identity of any client for whom the official performed a service in connection with the official's outside income if the client has a contract with the government of the District of Columbia or the client stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year. The report required by this subtitle shall include a narrative description of the nature of the service performed in connection with the official's outside income;

- (iii) Serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation; or
  - (iv) Has an agreement or arrangement for a leave of absence, future employment, including date of agreement, or continuation of payment by a former employer;
- (b) Any outstanding individual liability in excess of \$1,000 for borrowing by the public official or his or her spouse, domestic partner, or dependent children from anyone other than a federal or state insured or regulated financial institution, including any revolving credit and installment accounts from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts, or a member of the person's immediate family;
- (c) All real property located in the District (and its actual location) in which the public official or his or her spouse, domestic partner, or dependent children, has an interest with a fair market value in excess of \$1,000, or that produced income of \$200; provided, that this provision shall not apply to personal residences occupied by the public official, his or her spouse, or domestic partner;
- (d) All professional or occupational licenses issued by the District of Columbia government held by a public official or his or her spouse, domestic partner, or dependent children; and
- (e) All gifts received by a public official from a prohibited source in an aggregate value of \$100 in a calendar year. The term "prohibited source" shall have the meaning ascribed to it in Section 101(46) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.* (2012 Supp.)).
- 5701.2 The FDS shall include a signed affidavit from the public official stating that the public official has not caused title to property to be placed in another person or entity for the purposes of avoiding the disclosure requirements of the Act or these regulations.
- 5701.3 The FDS shall include a signed certification that the public official has:
- (a) Filed and paid his or her income and property taxes;
  - (b) Diligently safeguarded the assets of the taxpayers and the District;
  - (c) Reported known illegal activity, including attempted bribes, to the appropriate authorities;
  - (d) Not been offered or accepted any bribes;

- (e) Not directly or indirectly received government funds through illegal or improper means;
- (f) Not raised or received funds in violation of federal or District law; and
- (g) Not received or been given anything of value, including a gift, favor, service, loan, gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgment or vote would be influenced.
- (h) Complied with all conflict of interest recusal and reporting requirements as set forth in Section 223 of the Ethics Act.

5701.4 Neither the Mayor, the Attorney General, the Chairman of the Council of the District of Columbia, any member of the Council, nor any member of the State Board of Education shall earn royalties in excess of ten thousand dollars (\$10,000) during the year in which the right to receive the royalty accrues, except that any amounts paid to a charitable organization, on behalf of the public official, shall not be calculated as part of the aggregate total.

## **5702 FILING AND PUBLICATION REQUIREMENTS**

5702.1 The FDS shall be deemed timely filed in person or by first class mail if received in the office of the District of Columbia Board of Ethics and Government Accountability (Board) by no later than 5:00 p.m. on May 15<sup>th</sup> of each year for the prior calendar year in which the public official served.

5702.2 The FDS may be filed electronically no later than 12:00 midnight on the filing deadline. Electronic filers shall submit their FDS with an electronic signature.

5702.3 A public official shall submit an amended FDS thirty (30) days after changes in any information represented on the FDS.

5702.4 A public official may request the Director, in writing, for an extension of up to thirty (30) days in which to submit the FDS.

5702.5 The Director may extend the period of time for submission of the FDS by a public official, for good cause shown.

5702.6 The Ethics Board shall publish, in the District of Columbia Register, before June 15<sup>th</sup> of each year, the name of each public official who has:

- (a) Filed a report under this section;
- (b) Sought and received an extension of the deadline filing requirement and the reason for the extension; and
- (c) Not filed a report and the reason for not filing, if known.

## **5703 EXEMPTION**

5703.1 The Board may, on a case by case basis, exempt a public official from this requirement or some portion of this requirement for good cause shown.

**5704 CONFIDENTIAL FINANCIAL DISCLOSURE FILINGS BY  
EMPLOYEES AND ADVISORY NEIGHBORHOOD COMMISSIONERS**

5704.1 Any employee, other than a public official, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interests, as determined by the appropriate agency head, shall file, before May 15<sup>th</sup> of each year, with the agency head a report containing a full and complete statement of the information required by Section 5701.

5704.2 On or before April 15<sup>th</sup> of each year, each agency head shall designate the persons in the agency required to submit a confidential report by name, position, and grade level, and shall supply this list to the Ethics Board and the D.C. Ethics Counselor on or before May 1<sup>st</sup> of each year. Notice to and designation of required FDS filing employees shall be done in a manner consistent with 6 DCMR § 1800.

5704.3 Upon review of the confidential report, an agency head shall immediately forward to the Ethics Board any violation of the Code of Conduct whenever there is reason to believe that such a violation has occurred.

5704.4 Advisory Neighborhood Commissioners shall file a Confidential report containing a full and complete statement of the information required by Section 5701 before May 15<sup>th</sup> of each year, with the Board.

**CHAPTER 58 REGISTRATION OF LOBBYISTS**

**5800 REGISTRATION REQUIREMENTS**

5800.1 The provisions of this chapter shall establish the procedures for the filing of registration forms for lobbyists pursuant to the authority set forth in the Subtitle E of the Government Ethics Act of 2011 (Ethics Act), Title II of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.* (2012 Supp.)).

5800.2 A person shall register as a lobbyist with the Director of Government Ethics (the Director) by filing the Lobbyist Registration Form if that person, under the following circumstances:

- (a) Receives compensation of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying;



- (b) Receives compensation from more than one (1) source which totals two hundred fifty dollars (\$250) or more in any three (3) consecutive month period for lobbying; and
  - (c) Expends funds of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying.
- 5800.3 The registration for lobbyists shall be two hundred fifty dollars (\$250).
- 5800.4 The registration for lobbyists who lobby solely for nonprofit organizations shall be fifty dollars (\$50).
- 5800.5 The Lobbyist Registration Form shall include the following information:
- (a) Registrant's name, permanent address and temporary address, if any, while lobbying;
  - (b) Name and address of each person designated to lobby on behalf of the registrant;
  - (c) Name, address, and nature of the business of any person who compensates the registrant and the terms of the compensation;
  - (d) Identification, by formal designation if known, of matters on which the registrant expects to lobby; and
  - (e) Registrant's verification under oath of the required information; provided, that if the registrant is not an individual, an authorized officer or agent of the registrant (other than the lobbyist retained by contract to provide lobbying services) shall sign the form.
- 5800.6 A lobbyist shall file a separate registration form for each person from whom he or she receives compensation for lobbying.

**5801 EXEMPTION FROM REGISTRATION REQUIREMENTS**

- 5801.1 A person shall be exempt from the registration requirements of § 5800 if that person is any of the following:
- (a) A public official, or an employee of the United States acting in an official capacity;
  - (b) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
  - (c) Any candidate, member or member-elect of an Advisory Neighborhood Commission; or

- (d) Any entity specified in D.C. Official Code § 47-1802.01(4) whose activities do not include lobbying, the result of which shall inure to the financial gain or benefit of the entity.

5801.2 Lobbying activities shall not include:

- (a) Appears or presents written testimony, on his or her own behalf, or is represented by an attorney, in an informal or formal rule-making, rate-making or adjudicatory hearing before an executive agency or the Tax Assessor;
- (b) Supplies information in response to written inquiries by an executive agency, the Council of the District of Columbia or any public official;
- (c) Inquires only as to the status of specific actions by an executive agency or the Council of the District of Columbia;
- (d) Testifies before, or submits written testimony to, a committee of the Council of the District of Columbia, or the Council, in a proceeding for which there is a public record or testimony submitted for inclusion in the public record;
- (e) Communicates through a newspaper, television, or radio of general circulation or a publication whose primary audience is the organization's membership; or
- (f) Conveys communications, indirectly or directly, by a bona fide political party, as defined in Section 101 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.* (2012 Supp.)).

5801.3 A person, who may be exempt from the registration requirements of this chapter, may be a registrant for other purposes pursuant to the Act; provided, that the activity of the person shall not constitute a conflict of interest as described in Section 223 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.23 (2012 Supp.)).

## **5802 ACTIVITY REPORTS**

5802.1 Each registrant shall file an activity report, on a form prescribed by the Director, for each person from whom compensation is received during the reporting period.

5802.2 Each activity report shall include the following:

- (a) A complete and current statement of the information required to be supplied pursuant to § 5800;

- (b) Total expenditures on lobbying broken down into the following categories:
    - (i) Office expenses;
    - (ii) Advertising and publications;
    - (iii) Compensation to others;
    - (iv) Personal sustenance, lodging, and travel, if compensated; and
    - (v) Other expenses;
  - (c) Each expenditure of \$50 or more shall also be itemized by the date, name, and address of the recipient, and the amount and purpose of the expenditure;
  - (d) Each political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch, a member of his or her staff or household, or a campaign or testimonial committee established for the benefit of the official, shall be itemized by date, beneficiary, amount, and circumstances of the transaction, including the aggregate of all expenditures that are less than \$50;
  - (e) Each official in the executive or legislative branch and any member of the official's staff, including personal and committee staff, who has a business relationship or a professional services relationship with the registrant shall be identified by name and the nature of the business relationship with the registrant;
  - (f) Each official in the executive or legislative branch with whom the registrant has had written or oral communications during the reporting periods related to lobbying activities conducted by the registrant shall also be included in the report, identifying the official with whom the communication was made; and
  - (g) Each person to whom the registrant has given compensation to lobby on his or her behalf shall also be listed in the report.
- 5802.3 Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for 5 years from the date of filing of the report containing these items. These materials shall be made available for inspection upon requests by the Director after reasonable notice.
- 5802.4 Each registrant who does not file a report required by this section for a given period is presumed not to be receiving or expending funds that are required to be reported under this section.

5802.5 A registrant shall exclude from activity reports any transactions related to the registrant's exempt status, if any, under § 5801.

5802.6 No later than 10 days after a registrant files a registration form with the Director he or she shall publish on the Board's website a summary of all information required to be submitted under this section.

### **5803 FILING AND DEADLINES**

5803.1 Each registrant shall file a Lobbyist Registration Form at the following times:

- (a) No later than fifteen (15) days after becoming a lobbyist; and
- (b) On or before January 15th of each year thereafter.

5803.2 Each registrant shall file Lobbyist Activity Reports of the previous six (6) month period each year on the following dates:

- (a) January 10th, for the period covering July 1st through December 31st; and
- (b) July 10th, for the period covering January 1st through June 30th.

5803.3 The Lobbyist Registration Forms and Lobbyist Activity Reports may be filed in an electronic format at the Board website with an electronic signature and will be considered timely if filed by midnight on the date due. The Lobbyist Registration Forms and Lobbyist Activity Reports shall be deemed timely filed in person or by first class mail if received in the office of the District of Columbia Board of Ethics and Government Accountability (Board) by no later than 5:00 p.m. on the date due.

### **5804 LIMITATIONS ON LOBBYING AND PROHIBITED ACTIVITY**

5804.1 No registrant or anyone acting on behalf of a registrant shall offer, give, or cause to be given a gift or service to an official in the legislative or executive branch or a member of his or her staff that exceeds \$100 in value in the aggregate in any calendar year. This limitation shall not be construed to restrict in any manner contributions authorized in Sections 333, 334, and 338 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1163.33, 1-1163.34 and 1-1163.38 (2012 Supp.)).

5804.2 No official in the legislative or executive branch or a member of his or her staff shall solicit or accept anything of value in violation of Subsection (a) of this section.

5804.3 No person shall knowingly or willfully make or cause to be made any false or misleading statement or misrepresentation of the facts relating to pending administrative decisions or legislative actions to any official in the legislative or executive branch.

- 5804.4 No person shall, knowing a document to contain a false statement relating to pending administrative decisions or legislative actions, cause a copy of the document to be transmitted to an official in the legislative or executive branch without notifying the official in writing of the truth.
- 5804.5 No information copied from registration forms and activity reports required by this title or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fundraising affair or for any commercial purpose.
- 5804.6 No public official shall be employed as a lobbyist while acting as a public official, except as provided in Section 228 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.28 (2012 Supp.)).
- 5804.7 No lobbyist or registrant or person acting on behalf of the lobbyist or registrant, shall provide legal representation, or other professional services, to an official in the legislative or executive branch, or to a member of his or her staff, at no cost or at a rate that is less than the lobbyist or registrant would routinely bill for the representation or service in the marketplace.
- 5804.8 Notwithstanding § 5804.7, a nonprofit organization that routinely provides legal representation or other services to clients at no cost may provide such representation or services to such client when doing so serves the purposes for which such services are routinely provided, and the representation and services are not provided by a lobbyist or registrant.

## **5805 FINES AND PENALTIES**

- 5805.1 The Director of Government Ethics may refer to the United States Attorney for prosecution any person who willfully and knowingly violates Subtitle E of the Ethics Act. Penalties for violations include a fine of not more than \$5,000, or imprisonment for not more than 12 months, or both.
- 5805.2 In addition to any penalty available under 5805.1, any person convicted of a violation under that subsection may, at the discretion of the Board, be prohibited from serving as a lobbyist for a period of three years from the date of the conviction.
- 5805.3 Any person who files a lobbyist report or registration form in an untimely manner shall be assessed a civil penalty of \$10 per day up to 30 days (excluding Saturdays, Sundays, and holidays) that the report or registration form is late. This civil penalty shall be imposed as a ministerial matter by the Director of Government Ethics. Upon petition, the Ethics Board may waive the penalty for good cause shown.

**DEPARTMENT OF HEALTH****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2007 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to revise the definition of "Regional Board" to include the Western Regional Examining Board, Inc.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on December 14, 2012 at 59 DCR 14823. No written comments were received from the public in connection with this publication during the thirty (30)-day comment period and no substantive changes have been made to the rulemaking.

Final action to adopt the rules took place on January 16, 2013. These rules will be effective upon publication of the notice in the *D.C. Register*.

**Chapter 42 (DENTISTRY) of Title 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) is amended as follows:**

**Section 4299 (DEFINITIONS) is amended as follows:**

**Section 4299.1 is amended as follows:**

**The definition of Regional Board is amended as follows:**

**Regional Board** – the examination in dentistry offered by any of the following dental examination organizations:

- (a) The Central Regional Dental Testing Service;
- (b) The North East Regional Board of Dental Examiners, Inc.;
- (c) The Southern Regional Testing Agency, Inc.; and
- (d) The Western Regional Examining Board, Inc.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the District of Columbia Department of Human Services (DHS), pursuant to authority set forth in Section 205(c) of the District of Columbia Public Assistance Act of 1982 (Public Assistance Act), as amended, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.05(c)(2012 Supp.)), and Mayor’s Order 2011-118, dated July 14, 2011, hereby gives notice of its adoption of amendments to Chapter 58, Temporary Assistance for Needy Families (TANF), of Title 29 of the District of Columbia Municipal Regulations (DCMR).

DHS initially published proposed rules for a graduated TANF sanction policy on Friday, August 19, 2011, at 58 DCR 7544. Public comments were received during the comment period and DHS revised the original proposed rulemaking to reflect the comments received. DHS published the revised proposed rules on Friday, February 10, 2012, at 59 DCR 1117. After additional public comments, DHS again revised the proposed rulemaking to reflect comments received. The Third Notice of Proposed Rulemaking was published at 59 DCR 12532 (November 2, 2012) for an additional thirty (30)-day comment period.

The purpose of the amended chapter is to amend existing rules to administer the District of Columbia’s graduated TANF sanction policy. The graduated TANF sanction policy is designed to motivate TANF customers to take a more active role in developing their TANF self-sufficiency plan or Individual Responsibility Plan (IRP), to foster the customer’s accountability for the IRP, and drive compliance with the activities specified in the IRP. TANF customers negotiate their own IRPs once they engage with a TANF Service Provider (Provider) and shall have the opportunity to renegotiate their IRPs should their Plan fall short of meeting their needs or goals. Ultimately, it is DHS’s goal to meet the needs of TANF customers and help them achieve self-sufficiency. As such, DHS will provide additional outreach resources to help customers at risk of a sanction to ensure that customers are provided the opportunity to complete their assessment and IRP, or to re-engage with and re-negotiate their IRP, prior to imposing a new sanction. Those customers who fail to comply with their personally negotiated TANF IRP, however, shall be subject to this graduated sanction policy.

The Council for the District of Columbia approved the proposed rules in accordance with the “Temporary Assistance for Needy Families Sanction Policy Rules Approval and Disapproval Resolution of 2013” (PR 20-16, effective January 8, 2013). Upon Council approval, DHS adopted the rules as final on February 21, 2013.

The rules shall take effect on the date of publication in *D.C. Register*.

**Section 5812, SANCTIONS, of Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended to read as follows:**

**5812 SANCTIONS**

5812.1 A non-exempt TANF customer (Customer) is required to comply with his or her negotiated TANF Individual Responsibility Plan (IRP) as approved by the

Director or his or her designee, or meet his or her work requirements, as set forth in D.C. Official Code §§ 4-205.19b and 4-205.19d (2008 Repl. & 2012 Supp.). DHS shall impose the appropriate graduated sanction on Customers who fail to meet this requirement for at least four (4) consecutive weeks, without good cause.

5812.2 TANF customers are assigned to a TANF Service Provider (Provider) with whom the customer communicates with in regards to his or her efforts to work on and achieve the goals set out in their approved IRP. Providers shall report monthly to DHS each customer's level of participation in working on their IRP. Providers shall report to DHS whether the customer is:

- (a) Fully participating;
- (b) Partially participating and making efforts to improve their participation;
- (c) Participating at consistently low levels of participation and not working to improve their participation; or
- (d) Completely non-participating.

5812.3 "Non-compliance" for purposes of § 5812.1 is defined as either participating at a consistently low level of participation and not working to improve his or her participation for at least eight (8) consecutive weeks or completely non-participating for at least four (4) consecutive weeks, as determined by the Department following the review required by § 5812.5.

5812.4 For any Customer who is at risk of non-compliance as defined in § 5812.3, the Provider shall:

- (a) Reach out and make efforts to engage and support the Customer in becoming compliant by making at least three (3) attempts through at least two (2) different methods to contact the Customer at his or her last known address or phone number; and
- (b) Document the steps that the Provider took to help the customer meet the requirements of § 5812.1.

5812.5 When a Provider notifies DHS that a Customer has consistently low levels of participation and is not working to improve his or her participation for at least eight (8) weeks or is completely non-participating for at least four (4) weeks, DHS shall conduct a review of all relevant information to determine whether there exists any known basis for an exemption or good cause reason for non-compliance. Information to be reviewed shall include the Provider's outreach and engagement efforts, DHS records, and other relevant records and information available to DHS.



5812.6 If upon completion of the DHS review required by § 5812.5, DHS determines that a Customer is non-compliant as defined by § 5812.3 and at risk of a sanction, DHS shall send a written notice to the Customer's last known address. The notice shall state:

- (a) That the Customer is non-compliant with the requirements of § 5812.1 and is at risk of a sanction;
- (b) The basis for non-compliance, including the specific dates and facts surrounding the Customer's non-compliance;
- (c) The level of sanction that will be imposed, the date the sanction will be imposed, and the consequences of the sanction;
- (d) That the customer can avoid the sanction by:
  - (1) Re-engaging in accordance with their IRP by participating in the activities and meeting the requirements of the IRP for four (4) consecutive weeks prior to the effective date of the sanction;
  - (2) Re-negotiating their IRP one (1) time before the sanction becomes effective, provided the renegotiated plan addresses a factor that prevented the customer from meeting the requirements of § 5812.1; or
  - (3) Demonstrating that the Customer is in compliance because he or she:
    - (A) Met the requirements of § 5812.1 for at least one (1) calendar month prior to the effective date of a proposed sanction;
    - (B) Provided documentation of a good cause reason for non-compliance due to absence, in accordance with 29 DCMR § 5810.3, to his or her Provider or the DHS Office of Work Opportunity, TANF Connections Unit, within ten (10) business days of the absence;
    - (C) Provided documentation of an exemption, in accordance with 29 DCMR § 5809, to his or her Provider or the DHS Office of Work Opportunity, TANF Connections Unit, within ten (10) business days of the absence; or
    - (D) Provided documentation that the Customer met the requirements of § 5812.1 during the period of non-compliance to his or her Provider or the DHS Office of

Work Opportunity, TANF Connections Unit within thirty (30) calendar days after the day the work activity was completed, with the exception of pay stubs, which shall be accepted within thirty (30) days of payment;

- (e) That the Provider is available to help the Customer meet the requirements of § 5812.1; and
- (f) The name, address, phone, and fax number of the Provider and person to contact for questions.

5812.7 When a Customer fails to come into compliance with the requirements of § 5812.1, despite Provider outreach and engagement efforts required by § 5812.4 and the DHS notice to him or her as required by § 5812.6, DHS shall provide advance written notice to the Customer that a sanction shall be imposed. This notice shall be provided in accordance with D.C. Official Code § 4-205.55 (2008 Repl.).

5812.8 When a Customer fails to meet the requirements of § 5812.1, DHS shall impose a graduated system of sanctions, which consist of the following three (3) levels:

- (a) Level One: an individual sanction is applied when a Customer fails to meet the requirements of § 5812.1;
- (b) Level Two: a fifty percent (50%) reduction in the assistance unit's TANF benefits as determined in accordance with D.C. Official Code § 4-205.52 (2012 Supp.), is applied when a Customer fails to meet the requirements of § 5812.1 a second time; and
- (c) Level Three: a one (1) month full family sanction is applied when a Customer fails to meet the requirements of § 5812.1 a third time. To receive TANF benefits following a one (1) month full family sanction, a Customer must complete an updated assessment and re-negotiate their IRP.

5812.9 Before a customer is subject to any level of sanction set forth in § 5812.8, the requirements of § 5812.4, 5812.5, 5812.6 and 5812.7 must be completed.

5812.10 Any Customer who, after completing at least six (6) months compliance with their IRP following any level of sanction, fails to comply with § 5812.1 an additional time, shall initially be subject to the Level One sanction, as if they had not previously been sanctioned.

5812.11 A Customer subject to sanction shall have the right to appeal a sanction through an administrative review and a fair hearing, pursuant to D.C. Official Code §§ 4-

210.01, *et seq.* (2008 Repl.). The Customer has the right to appeal the sanction on the following grounds:

- (a) The Customer timely submitted hard copy documentation to his or her Provider or DHS that supports:
  - (1) A good cause reason for non-compliance in accordance with § 5810.3;
  - (2) An exemption from work participation requirements in accordance with § 5809; or
  - (3) Compliance with the requirements of § 5812.1 during the period of non-compliance; and
  - (4) The Customer's Provider or DHS did not act on or approve documentation provided;
- (b) The Customer has a good cause reason for failing to provide such documentation; or
- (c) The Provider or DHS failed to meet the due process requirements under this section.

5812.12 The Level One, Level Two, or Level Three sanctions shall be lifted when the Customer complies with the requirements of § 5812.1 for at least four (4) consecutive weeks.

5812.13 A Customer who is sanctioned under the DHS TANF sanction policy in effect prior to the promulgation of these rules shall receive adequate notice that he or she shall be scheduled to complete an orientation and assessment, and shall be required to negotiate an IRP. A Customer who fails to complete an orientation and assessment and fails to negotiate an IRP within sixty (60) days of the date of the notice, shall be subject to a Level Two sanction.

**Section 5899, DEFINITIONS, is amended as follows:**

**Subsection 5899.1 is amended by adding, in alphabetical order, the following new definitions:**

**“Full Family Sanction”** - the termination of the entire cash assistance grant for a non-exempt TANF family.

**“Good Cause”** - a circumstance as defined in 29 DCMR § 5810.3.

**“Individual Responsibility Plan (IRP)”** - a written agreement developed jointly by the customer and DHS or a DHS Provider that acts as the customer’s roadmap to securing employment and becoming self-sufficient. The IRP outlines specific steps that the customer agrees and commits to take in order to address and remove barriers, and find and retain employment.

**“Individual Sanction”** - a reduction in the Customer’s TANF grant whereby the needs of the work eligible household member is excluded from the assistance unit.

**“TANF Service Provider”** – The primary case manager service provider who is providing direct services to a TANF customer in accordance with the Customer’s Individual Responsibility Plan.

## OFFICE OF THE CITY ADMINISTRATOR

## NOTICE OF FOURTH PROPOSED RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under § 18(e) of Mayor-Commissioner Regulation No. 74-39, enacted December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan No. 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), and Mayor's Order 2010-91, dated May 27, 2010; Sections 101(b) and 2002(l) of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1988 (D.C. Law 12-86; D.C. Official Code §§47-2851.04(c)(1), 47-2851.05(d), 47-2851.12, and 47-2851.19 (2005 Repl.; 2012 Supp.)); and Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2007 Repl.; 2012 Supp.)) and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, or upon approval of this rulemaking by the Council of the District of Columbia, whichever occurs later, a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR) and amendments to DCMR Title 17 (Business, Occupations and Professions), Chapter 5 (Basic Business License Schedule of Fees) and DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions), Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions).

This rulemaking amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking amends the name of the chapter and includes provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, street photography, and solicitation from the public space. In addition, the rulemaking amends fee for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

The proposed regulations have been revised to: (1) clarify the requirements for Class C licensees to operate public markets; (2) clarify provisions of the Vending Site Permits; (3) define and identify provisions of the Mobile Roadway Vending Site Permit; (4) adjust the boundaries of the Central Vending Zone; (5) amend the authorized locations of roadway vending locations; (6) amend the design standards for vending carts and vending vehicles; (7) amend the requirements for littering and customer lines; (8) amend the provisions regarding roadway vending to clarify the distinction between stationary roadway vending and mobile roadway vending; (9) add new requirements for mobile roadway vending locations; (10) outline the assignment of mobile roadway vending locations; (11) amend the requirements establishing and discontinuing a Vending Development Zone; (12) clarify provisions for soliciting in public space; (13) amend the requirements on accepting inventory or stock in the public space; (14) clarify the requirements of a vending depot; (15) amend the penalties provision; and (16) correct typographical errors, including the omission of provisions on street photography from the table of contents.

In order to allow for greater public transparency, the City Administrator has directed the Department of Consumer and Regulatory Affairs to coordinate the receipt of comments regarding all aspects of this rulemaking and to post on its website (<http://dcra.dc.gov>) a document which shows all changes made between the October 5, 2012, Third Notice of Proposed Rulemaking (59 DCR 11496) and this Fourth Notice of Proposed Rulemaking.

This Fourth Notice of Proposed Rulemaking supersedes the Notice published at 59 DCR 11496.

**Chapter 5 (Vendors and Solicitors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations is amended to read as follows:**

CHAPTER 5: VENDORS

**OFFICE OF THE CITY ADMINISTRATOR** 1

**SUBCHAPTER A: GENERAL PROVISIONS** 6

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**SUBCHAPTER A: GENERAL PROVISIONS****500 PURPOSE**

- 500.1 The provisions of this chapter are issued pursuant to the authority under § 18(e) of Mayor-Commissioner Regulation No. 74-39, enacted December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293); Reorganization Plan No. 1 of 1986, effective August 21, 1986; the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619); and Mayor's Order 2010-91, dated May 27, 2010.
- 500.2 This chapter shall regulate the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its citizens.
- 500.3 Nothing in this chapter is intended to interfere with the exercise of activities pursuant to the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)).

**501 AGENCY RESPONSIBILITIES**

- 501.1 The Director of the Department of Consumer and Regulatory Affairs (DCRA Director) shall be responsible for:
- (a) Coordinating all vending activities in the District of Columbia;
  - (b) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;
  - (c) Distributing Vending Site Permits for Vending Locations approved by the District Department of Transportation (DDOT) Director (DDOT Director) as meeting the standards established by the DDOT Director, pursuant to §§ 525, 532, and 535;
  - (d) Enforcing this chapter's provisions, including the requirement that vendors vend only from their assigned Vending Locations; provided, that the Department of Health (DOH) Director (DOH Director) shall be responsible for the application and enforcement of Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR) to food vendors holding Class A and Class C Vending Business Licenses;
  - (e) Creating and maintaining a database of all vendors issued Vending Business Licenses, including any specific Vending Location assigned to each vendor;

- (f) Designating the categories of merchandise or services that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of merchandise or services that may be vended at a specific Vending Location;
- (g) Establishing the authorized hours of operation for vendors and, where authorized under this chapter, establishing specific hours of operation at a specific Vending Location; and
- (h) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.

501.2 The DDOT Director shall be responsible for:

- (a) Designating, modifying, and waiving, as appropriate, the standards for Vending Locations, pursuant to § 524, § 532, and §§ 533 through 537;
- (b) Approving locations on public space where public markets may be located and issuing public space permits for public markets on public space;
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.3 The Metropolitan Police Department (MPD) shall be responsible for:

- (a) Enforcing District laws and regulations prohibiting unlicensed vending activities;
- (b) Enforcing any criminal laws, including laws regarding assault, harassment, and intimidation, in connection with vending; and
- (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.4 The DOH Director shall be responsible for:

- (a) Designating the categories of food that may be vended in accordance with Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR);
- (b) Reviewing and either approving or denying applications for food vendors holding Class A and Class C Vending Business Licenses or other certificates of authority required in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR for the vending of food from public or private spaces;
- (c) Inspecting food vending operations and vending depots in accordance with Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

- (d) Enforcing the application of Subtitle A (Food and Food Operations) of Title 25 of the DCMR to food vendors.

501.5 The Fire and Emergency Medical Services Department (FEMS) shall be responsible for:

- (a) Reviewing and issuing permits for the use of open flame and propane gas in food vending operations and conducting fire safety-related inspections of vending businesses; and
- (b) Enforcing District laws and regulations pertaining to any operational permits required under Subtitle H (Fire Code Supplement) of Title 12 of the DCMR.

**SUBCHAPTER B: VENDING LICENSES, PERMITS,  
AND OTHER AUTHORIZATIONS**

**502 GENERAL LICENSURE REQUIREMENTS**

502.1 No person shall vend any product, service, or merchandise from public space in the District of Columbia without obtaining and maintaining a valid:

- (a) Basic business license for vending (Vending Business License) issued by the DCRA Director, except as provided by § 502.3;
- (b) Vending Site Permit assigned pursuant to § 508 if the vendor is located on a public sidewalk, pursuant to § 530 if the vendor is a Stationary Roadway Vendor, or § 533 if the vendor is a Mobile Roadway Vendor.

502.2 In addition to the requirements specified in § 501, no person shall vend food from public or private space in the District of Columbia without obtaining and maintaining a valid:

- (a) Health inspection certificate issued by the DOH Director;
- (b) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.1 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;
- (c) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; provided, that a vendor without such certification may employ a person who holds a valid:
  - (1) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.3 of

Subtitle A (Food and Food Operations) of Title 25 of the DCMR;  
and

(2) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(d) Required food safety analyses and plans in accordance with § 3701 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(e) Permit from FEMS, if the vendor uses propane gas, open flames, or solid fuels such as wood pellets or charcoal.

502.3 The licenses and permits required under §§ 502.1 and 502.2 shall be subject to any conditions imposed by the District agency issuing or assigning the license, permit, or certificate.

502.4 A Vending Business License shall not be required for:

(a) Employees of licensed vendors, but such employees shall be required to obtain and display at all times a Vendor Employee Identification Badge pursuant to § 564.1;

(b) Persons selling agricultural goods, farm products, or other related products of their own raising or production, or that are locally raised or produced, at a public market licensed under § 541;

(c) A person under eighteen (18) years of age, if the person holds a valid permit or other form of authorization issued by the District of Columbia Public Schools and is accompanied by a licensed vendor;

(d) Certain vending activities authorized by the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 *et seq.* (2008 Repl.)); or

(e) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event, as that term is defined in § 599.

502.5 A Vending Business License is issued only to the licensee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

### **503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES**

503.1 The DCRA Director shall issue the following classes of Vending Business Licenses:

(a) Class A Licenses – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited from public or private

space under § 503.3(a) or (m); provided, that the vendor holds any food licenses and certificates required under Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

- (b) Class B Licenses – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and merchandise prohibited from public space under § 503.3. For the purposes of this subsection, the term “merchandise” shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants;
- (c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage public markets on public or private space for the sale of agricultural goods and other farm products, or other food as designated by the DOH Director, and other non-food merchandise or services as designated by the DCRA Director; and
- (d) Class D Licenses – A Class D Vending Business License shall authorize a person to vend services from public space, including photography, shoe shining, and other such services as the DCRA Director designates.

503.2 No person shall vend any items other than those allowed under the particular class of Vending Business License issued to the person.

503.3 No vendor shall sell or public market manager allow the sale of the following categories of merchandise or food:

- (a) Live animals;
- (b) Power tools;
- (c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);
- (d) Rugs and carpets exceeding the surface area of the vendor’s vending cart or stand;
- (e) Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);
- (f) Alcoholic beverages or other alcoholic items for consumption;
- (g) Any drug, medicine, chemical, or compound or combination thereof restricted by the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code §§ 47-2885.01 *et seq.* (2005 Repl.));

- (h) A controlled substance as defined in § 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4) (2009 Repl.));
- (i) Drug paraphernalia, as the term is defined in § 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101(3) (2012 Supp.));
- (j) Any merchandise that is pornographic or obscene;
- (k) Any counterfeit merchandise;
- (l) Any adulterated food, as the term is defined in § 9901 of Title 25, Subtitle A (Food and Food Operations) of the DCMR;
- (m) Categories of foods that are determined by DOH to be not “generally recognized as safe” (GRAS) as interpreted by the United States Food and Drug Administration (FDA); and
- (n) Any plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.

#### **504 VENDING BUSINESS LICENSE: APPLICATION AND FEES**

504.1 An applicant for a Vending Business License shall meet all applicable business licensing criteria, shall file an application with DCRA, and shall pay all applicable fees.

504.2 Application for a Vending Business License shall be made on a form prescribed by DCRA and shall include the following information:

- (a) The name and address of the owner of the vending business;
- (b) The class(es) of Vending Business License being sought;
- (c) A description of the type of merchandise or service to be offered for sale;
- (d) A description of the vending vehicle, vending cart, or vending stand to be used (not applicable to Class C license applicants) including an eight inch by ten inch (8 in. x 10 in.) color photograph of such vehicle, cart, or stand, if available at the time of the application, or when approved pursuant to § 570 as part of a vending development zone;
- (e) An indication of the Vending Locations the applicant wishes to occupy, in their order of preference (not applicable to Class C license applicants);
- (f) A Clean Hands Certification;

- (g) A copy of the applicant's certificate of registration, issued by the Office of Tax and Revenue, designating the applicant's sales and use tax number;
- (h) If the applicant is not a resident of the District of Columbia:
  - (1) The name and address of a registered agent upon whom service of process and other legal notices may be delivered; or
  - (2) A designation of the Mayor as the person who may accept service of process as well as other legal notices directed to the applicant;
- (i) If the applicant is applying for a Class A or Class C license, the applicant shall complete all forms required by:
  - (1) DCRA, as specified in §§ 504.1 and 504.2; and
  - (2) DOH, as specified in § 502.2;
- (j) A valid telephone number;
- (k) A passport-sized color photograph of the applicant, if the applicant himself or herself will be vending; and
- (l) Any additional information required by the DCRA Director or by the DOH Director for Class A or Class C licenses.

504.3 The DCRA Director shall not issue a Vending Business License if:

- (a) The applicant's Vending Business License has been revoked within the past one (1) year;
- (b) The application for renewal of a Vending Business License has been denied under § 507; or
- (c) The applicant has been:
  - (1) Convicted for vending without a license;
  - (2) Issued a notice of infraction by DCRA for vending without a license;
  - (3) Convicted for a criminal offense committed while vending with a license;
  - (4) Issued a notice of infraction by DOH for vending without a food vending license; or
  - (5) Failed to pay fines for violations of Subtitle A (Food and Food Operations) of Title 25 of the DCMR issued by DOH.



- 504.4 An applicant whose license application is rejected pursuant to §§ 504.3(a), (b), or (c)(1) through (c)(3) shall not be eligible to receive a Vending Business License until one (1) year after the date of the revocation, denial, arrest, ticket, or notice of infraction.
- 504.5 An applicant must be at least eighteen (18) years of age to be eligible to be issued a Vending Business License; provided, that such age restriction shall not preclude an individual from becoming an employee of a duly licensed Vendor and being issued a Vendor Employee Identification Badge pursuant to § 564.
- 504.6 In addition to the application and endorsement fees for a basic business license, the fees charged for Vending Business Licenses shall be in the amounts listed in Chapter 5 (Basic Business License Schedule of Fees) of Title 17 of the DCMR.

## **505 VENDING BUSINESS LICENSE: ISSUANCE**

- 505.1 Within forty-five (45) days of filing a complete application for a Vending Business License, the applicant shall be notified by the DCRA Director of the issuance or denial of the license.
- 505.2 If the application is approved, the DCRA Director shall issue a Vending Business License to the applicant; provided, that if the applicant has applied for a Class A or Class C Vending Business License, no license shall be issued by the DCRA Director until the applicant has received all necessary licenses, permits, and authorizations from DOH and any other District agency.
- 505.3 The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.
- 505.4 Except for Class A and Class C Food Vending Licenses, all Vending Business Licenses shall be valid for two (2) years from the date of issuance, unless the DCRA Director designates a shorter time period in writing.
- 505.5 If the application is denied, the DCRA Director shall follow the procedures set forth in § 507.
- 505.6 The DCRA Director and DOH Director shall return an incomplete application to the applicant without either approving or denying the application.
- 505.7 A Vending Business License will not be issued until a Vending Location has been designated pursuant to §§ 538-540.

## **506 VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL**

- 506.1 Each Vending Business License shall be valid for the period designated on the license, unless the license is earlier revoked, suspended, or seized.

- 506.2 Not less than forty-five (45) days before the expiration of a Vending Business License, the licensee shall submit a renewal application to DCRA on a form prescribed by the DCRA Director, and the DOH Director if vending food, as specified in § 504.2(i).
- 506.3 No application to renew a Vending Business License shall be approved if the applicant does not hold the valid licenses, permits, and registrations required for an initial applicant for a Vending Business License under § 504.
- 506.4 If the license renewal application is not approved, the DCRA Director shall follow the procedures set forth in § 507.
- 506.5 Upon the expiration of a person's Vending Business License, the DCRA Director may seize that person's Vending Business License, Vending Site Permit, health inspection certificate, and FEMS propane and open flame permit.

**507 VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**

- 507.1 The DCRA Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, for any of the following:
- (a) Fraud, misrepresentation, or false statements contained in the license application;
  - (b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, or merchandise, as determined by the DCRA Director, or the misrepresentation or adulteration of food, as determined by the DOH Director;
  - (c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:
    - (1) The possession or sale of counterfeit merchandise; or
    - (2) The offering for sale of illegal goods, substances, or services;
  - (d) The vendor is vending at a location other than the vendor's assigned Vending Location;
  - (e) Violations of the Clean Hands Certification requirements;
  - (f) Fraud committed against the District government, such as failure to pay required sales and use taxes, or attempting to transfer a Vending Business License, Vending Site Permit, or a Mobile Roadway Vending Site Permit to another person in violation of §§ 502.5, 510.4, and 514.3, respectively;

- (g) The vendor is found to have committed the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:
  - (1) §§ 544 through 554;
  - (2) §§ 556 through 568; or
  - (3) § 571; or
- (h) The vendor is found to have violated § 555 of this chapter.

507.2 The DCRA Director may summarily suspend and seize a Vending Business License, without prior notice to the vendor or an opportunity to be heard, for:

- (a) The possession, sale, or offering for sale of counterfeit merchandise;
- (b) The sale of adulterated food, as the term is defined in § 9901 of Subtitle A of Title 25 of the DCMR, when a determination is made by the DOH Director that the food is adulterated;
- (c) Failure to provide all required certificates of authority upon demand by an authorized District government official;
- (d) Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor; or
- (e) Failure to pay fines assessed by the Office of Administrative Hearings for violations of Subtitle A of Title 25 of the DCMR issued by DOH.

507.3 Except for a summary suspension or seizure pursuant to § 507.2, any person whose Vending Business License is revoked or suspended under this section shall be provided notice of the DCRA Director's revocation or suspension of the license and stating that they are entitled to appeal the revocation or suspension to the Office of Administrative Hearings.

507.4 If a person's Vending Business License is summarily suspended pursuant to § 507.2, or pursuant to DCMR Title 25, Subtitle A, § 4409 by the DOH Director for Food Code violations, or if a person's application for initial issuance or renewal of a license is denied, the person may appeal the summary suspension or denial to the Office of Administrative Hearings.

507.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) business days prior to the date of the hearing.

- 507.6 Upon revocation or suspension, including summary suspension, of a person's Vending Business License, the DCRA Director may immediately seize the person's Vending Business License and Vending Site Permit.
- 507.7 A vendor shall surrender his or her Vending Business License and Vending Site Permit within seven (7) days from the date of the receipt of the notice in § 507.5.
- 507.8 If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to the Office of Tax and Revenue, DDOT, MPD, and, if the business holds a Class A License, to DOH.
- 507.9 If a person's Vending Business License is summarily suspended or seized pursuant to § 507.2(e) and in accordance with DCMR Title 25, Subtitle A, § 4714, the DOH Director shall provide notice of the summary suspension or seizure to DCRA, the Office of Tax and Revenue, DDOT, and MPD.

**508 VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES**

- 508.1 No person may vend from the public space in the District of Columbia without a Vending Site Permit issued by the DCRA Director pursuant to this chapter; provided, that a holder of a Class C Vending License may manage vendors from public space upon the issuance of a public space permit to the holder by DDOT and Mobile Roadway Vending vehicles may vend pursuant to § 533.
- 508.2 A Vending Site Permit shall not be required for:
- (a) Persons selling agricultural goods, farm products, or other related products of their own raising or production, or that are locally raised or produced, at a public market licensed and, if required, permitted pursuant to this chapter; or
  - (b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event.
- 508.3 The Vending Site Permit shall authorize the permittee to occupy a specific Vending Location for the purpose of vending.
- 508.4 A vendor may vend only at the assigned Vending Location stated on his or her Vending Site Permit.
- 508.5 In addition to the authorities cited in § 524, the DCRA Director, the DDOT Director, or MPD may eliminate a Vending Location without prior notice for public safety or transportation reasons, construction requirements, or Special Event operations.

- 508.6 The DCRA Director may revoke a Vending Site Permit and require the previously permitted vendor to vacate his or her Vending Location or relocate to another Vending Location pursuant to § 512.
- 508.7 The annual fee for a Vending Site Permit for sidewalk vending locations shall be six hundred dollars (\$600).
- 508.8 The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be one hundred twenty-five dollars (\$125) per monthly lottery, as described in § 529.
- 508.9 The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by § 530 shall be four hundred and fifty dollars (\$450) per monthly lottery.
- 508.10 The annual fee for a Mobile Roadway Vending site permit shall be three hundred dollars (\$300) as described in § 533.

**509 VENDING SITE PERMIT: APPLICATION**

- 509.1 A person shall submit an application for a Vending Site Permit to the DCRA Director with the person's application for an initial Vending Business License.
- 509.2 A licensed vendor may submit an application for a Vending Site Permit to the DCRA Director separately from an application for a Vending Business License if:
- (a) The vendor is seeking to change his or her Vending Location; or
  - (b) The vendor is seeking to add an additional Vending Location.
- 509.3 The application for a Vending Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

**510 VENDING SITE PERMIT: ISSUANCE**

- 510.1 Upon the submission of a completed application, the DCRA Director shall issue a Vending Site Permit if:
- (a) The applicant holds:
    - (1) A valid Vending Business License; or
    - (2) A current receipt for payment of all relevant Vending Business License fees;

- (b) The applicant has identified and applied for a Vending Site Permit for a Vending Location that meets DDOT standards, pursuant to §§ 524-528, or through the creation of a Vending Development Zone, pursuant to § 570;
- (c) A vendor shall have a right of preference for the issuance of a Vending Site Permit for a Vending Location if:
  - (1) The individual received a site permit for the same location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 3037);
  - (2) The individual has vended in the location continuously and exclusively without sale, assignment, transfer, or other conveyance of the location to another vendor or individual, whether sold, assigned, transferred, or conveyed for money or anything else of value; and
  - (3) The vendor is vending in a location that is in compliance with this chapter;
- (d) The merchandise, food, or services is authorized to be vended at the available Vending Location;
- (e) The applicant provides a Clean Hands Certification; and
- (f) The applicant has paid all the required fees.
- (g) A lottery may be used to assign Vending Site Permits for designated unoccupied Vending locations, if necessary.

510.2 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.

510.3 The Vending Site Permit shall delineate the specific site, zone, dates and times of validity.

510.4 A Vending Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

## **511 VENDING SITE PERMIT: EXPIRATION AND RENEWAL**

511.1 A Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, shall be issued for a term of one (1) year unless a shorter time period is designated in writing by the DCRA Director.

- 511.2 A vendor shall apply for renewal of the vendor's annual Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, at least forty-five (45) days prior to the expiration date on the permit.
- 511.3 Upon expiration of a vendor's Vending Site Permit and in the absence of an application to renew the permit, the Vending Site Permit shall no longer be valid and the vendor shall immediately surrender the Vending Site Permit to the DCRA Director. If the Vending Site Permit is not immediately surrendered, the DCRA Director may seize the expired Vending Site Permit. If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.
- 512 VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**
- 512.1 The DCRA Director may summarily revoke or suspend a Vending Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if:
- (a) The Vending Location associated with the Vending Site Permit is not eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;
  - (b) The DDOT Director has eliminated the Vending Location associated with the Vending Site Permit;
  - (c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or
  - (d) The vendor is operating in a manner that is in violation of the terms or conditions of the Vending Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the Vending Site Permit to another person.
- 512.2 In situations other than those enumerated in § 512.1, upon the suspension or revocation of a vendor's Vending Site Permit, the DCRA Director shall provide the vendor with written notice of the vendor's right to appeal to the Office of Administrative Hearings and may immediately seize the Vending Site Permit and Vending Business License, pursuant to § 511.3.
- 512.3 If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

- 512.4 If a vendor’s Vending Site Permit is summarily suspended or revoked by the DCRA Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.
- 512.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.
- 512.6 A vendor’s Vending Site Permit may be suspended or revoked if the vendor has not conducted any vending for six (6) months at the Vending Location associated with the Vending Site Permit; provided, that this provision shall not apply to a vendor who has placed his or her Vending Business License on hold pursuant to § 568.
- 512.7 If a vendor’s Vending Business License is suspended or revoked, any Vending Site Permit associated with that Vending Business License shall also be suspended or revoked.
- 512.8 If a person’s Vending Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

**513 MOBILE ROADWAY VENDING SITE PERMIT: APPLICATION**

- 513.1 A person seeking to vend pursuant to § 533 shall submit an application for a Mobile Roadway Vending (MRV) Site Permit to the DCRA Director with the person’s application for an initial Vending Business License.
- 513.2 The application for a MRV Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

**514 MOBILE ROADWAY VENDING SITE PERMIT: ISSUANCE**

- 514.1 Upon the submission of a completed application, the DCRA Director shall issue a MRV Site Permit if:
  - (a) The applicant holds
    - (1) A valid Vending Business License; or
    - (2) A current receipt for payment of all relevant Vending Business fees;
  - (b) The applicant provides a Clean Hands Certification; and



(c) The applicant has paid all the required fees.

514.2 The MRV Site Permit shall permit MRV vehicles to vend from legal parking spaces in public space.

514.3 A MRV Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

**515 MOBILE ROADWAY VENDING SITE PERMIT: EXPIRATION AND RENEWAL**

515.1 A MRV Site Permit shall be issued for a term of one (1) year unless another time period is designated in writing by the DCRA Director.

515.2 A MRV shall apply for renewal of the MRV Site Permit at least forty-five (45) days prior to the expiration date on the permit.

515.3 Upon expiration of a MRV Site Permit and in the absence of an application to renew the permit, the MRV Site Permit shall no longer be valid and the vendor shall immediately surrender the MRV Site Permit to the DCRA Director. If the MRV Site Permit is not immediately surrendered, the DCRA Director may seize the expired MRV Site Permit. If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor’s Vending Business License shall be put on hold pursuant to § 568.

**516 MOBILE ROADWAY VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE**

516.1 The DCRA Director may summarily revoke or suspend a MRV Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if the vendor is operating in a manner that is in violation of the terms or conditions of the MRV Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the MRV Site Permit to another person.

516.2 In situations other than described in § 516.1, upon the suspension or revocation of a vendor’s MRV Site Permit, the DCRA Director shall provide the vendor with written notice of the vendor’s right to appeal to the Office of Administrative Hearings and may immediately seize the MRV Site Permit and Vending Business License, pursuant to § 515.3.

516.3 If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor’s Vending Business License shall be put on hold pursuant § 568.

516.4 If a vendor’s MRV Site Permit is summarily suspended or revoked by the DCRA Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

516.5 A notice issued by the DCRA Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.

516.6 If a vendor’s Vending Business License is suspended or revoked, any MRV Site Permit associated with that Vending Business License shall also be suspended or revoked.

516.7 If a person’s MRV Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

**517 HEALTH INSPECTION CERTIFICATE: GENERAL**

517.1 No person shall vend food in the District unless DOH has issued a valid health inspection certificate for the vending vehicle, cart, or stand, or public market from which the food is vended.

517.2 A health inspection certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.

517.3 A person shall not be issued a Class A or Class C Vending Business License, or a Vending Site Permit for a Class A or Class C Vending Business License, until the person receives a health inspection certificate from DOH.

**518 HEALTH INSPECTION CERTIFICATE: APPLICATION**

518.1 A person shall apply for a health inspection certificate with the information and documents required by, and pursuant to the procedures of, the DOH Director. The DOH Director may require that a vendor submit to DOH the business address of the supplier of all prepared foods that the person intends to vend as required in Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR.

**519 HEALTH INSPECTION CERTIFICATE: ISSUANCE**

519.1 The DOH Director shall review and either approve or disapprove an application for the issuance of a health inspection certificate.

519.2 A health inspection certificate shall not be granted until after:

- (a) An inspection of the vending vehicle, cart, or stand, or public market, and all equipment and utensils used in the food vending operation;
- (b) An inspection of the storage facilities for the vehicle, cart, or stand, or public market, all equipment and utensils, and the food supplies;

- (c) A review and approval of the preparation and holding procedures for the food, including overnight refrigeration and overall compliance with Chapter 37, Subtitle A of Title 25 of the DCMR; and
- (d) DOH has issued its approval of any plans for food safety code compliance in accordance with Subtitle A of Title 25 of the DCMR.

519.3 The DOH Director shall include the vehicle tag number of the vending vehicle or cart on the health inspection certificate.

## **520 HEALTH INSPECTION CERTIFICATE: SUSPENSION**

520.1 A health inspection certificate, and the associated Class A and Class C Vending Business License, may be summarily suspended by the DOH Director for Food Code violations pursuant to DCMR Title 25, Subtitle A, § 4409.

520.2 If a person's health inspection certificate is revoked or suspended (including summarily suspended) under this section, the DOH Director shall provide notice of the revocation or suspension to DCRA, DDOT, and MPD.

## **521 FOOD PROTECTION MANAGER CERTIFICATE**

521.1 No person shall operate a Class A vending business unless that person, or an individual employed by that person, holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, in accordance with DCMR Title 25, Subtitle A, § 203.1; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card, in accordance with DCMR Title 25, Subtitle A, § 203.3.

521.2 Application for a food protection manager certificate and certified food manager identification card shall be made to DOH on forms and in the manner prescribed by the DOH Director.

## **522 PROPANE AND OPEN FLAME PERMIT**

522.1 No person shall operate a vending vehicle, cart, or stand that uses propane, open flames, or solid fuels such as wood pellets or charcoal, without meeting the following standards:

- (a) The person shall hold a valid propane or open flame permit from FEMS; and
- (b) A vending vehicle, cart, or stand that uses propane cylinders in excess of sixty pounds (60 lbs.) shall have received the approval of the Fire Marshal.

522.2 Application for a propane or open flame permit shall be made to FEMS on a form and in the manner prescribed by FEMS or the Fire Marshal.

### **523 HOOD SUPPRESSION SYSTEM APPROVAL**

523.1 No person shall operate a vending vehicle, cart, or stand that includes a deep fryer (or other cooking equipment that would require a hood suppression system) unless the vehicle, cart, or stand is protected with a hood suppression system, that has been inspected and approved by FEMS.

## **SUBCHAPTER C: VENDING LOCATIONS**

### **PART 1: GENERAL**

#### **524 VENDING LOCATIONS: GENERAL**

524.1 The DDOT Director shall approve Vending Locations that meet the standards for locations on streets, sidewalks, and other public spaces where vending may be permitted pursuant to §§ 525, 532, 533 and 535. Proposed sidewalk Vending Locations may be submitted to the DDOT Director by DCRA or as part of a vendor's Vending Site Permit application.

524.2 The DDOT Director may eliminate a previously designated Vending Location if:

- (a) The DDOT Director determines that the designated Vending Location is no longer in compliance with District law or regulations;
- (b) The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or
- (c) The DDOT Director determines that the interests of the District or the public would be better served if the public space occupied by the Vending Location is designated for another use or for open space.

524.3 The DDOT Director may eliminate a Vending Location assigned to a vendor under § 510.1; provided, that the vendor shall have the opportunity to, within thirty (30) days of the elimination of the Vending Location, identify a location that the vendor believes meets the criteria under §§ 524-528; provided further, that if the identified location is approved by the DDOT Director, the vendor shall be issued a new Vending Site Permit for the new Vending Location by the DCRA Director at no cost to the vendor.

524.4 The DDOT Director shall re-evaluate a Vending Location when a vendor issued a Vending Site Permit under § 510.1(c) ceases to vend at that Vending Location. In its re-evaluation, the DDOT Director shall utilize the provisions of § 524.2.

**PART 2: SIDEWALK VENDING LOCATIONS****525 VENDING LOCATIONS: SIDEWALK VENDING**

525.1 All sidewalk Vending Locations shall be in accordance with the following standards:

- (a) Sidewalk Vending Locations shall only be located along streets within:
  - (1) The Central Vending Zone;
  - (2) Neighborhood Vending Zones;
  - (3) The Old Georgetown Vending Zone; and
  - (4) The Nationals Park Vending Zone.
- (b) No more than three (3) sidewalk Vending Locations shall be designated on any side of any city block;
- (c) No sidewalk Vending Location shall be designated:
  - (1) In front of a predominately residential building outside the Central Vending Zone;
  - (2) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;
  - (3) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
  - (4) In a location that is on or that impedes free access to service or ventilation grates or covers;
  - (5) On a restricted street designated in § 526.3; or
  - (6) Within any area under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (d) Within the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
  - (1) A ten foot (10 ft.) clear passageway is maintained;
  - (2) The street is specifically exempted in § 526; or
  - (3) The DDOT Director waives this restriction pursuant to § 525.2;

- (e) Outside the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:
  - (1) A seven foot (7 ft.) clear passageway is maintained;
  - (2) The sidewalk is specifically exempted in §§ 527, 528, or 529; or
  - (3) The DDOT Director waives this restriction pursuant to § 525.2;
- (f) No sidewalk Vending Location shall be designated within:
  - (1) Twenty feet (20 ft.) of the driveway entrance to a police or fire station;
  - (2) Ten feet (10 ft.) of any other driveway;
  - (3) Ten feet (10 ft.) of an alley;
  - (4) Ten feet (10 ft.) of another sidewalk Vending Location;
  - (5) Twenty feet (20 ft.) of the street-level entry to a Metrorail escalator;
  - (6) Ten (10 ft.) of the street-level door to a Metrorail elevator;
  - (7) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;
  - (8) One hundred feet (100 ft.) of the entrance to a District or federal courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator;
  - (9) Ten feet (10 ft.) of a fire hydrant;
  - (10) One hundred feet (100 ft.) of the main entrance to a building that is predominantly used for a primary or secondary school, unless operations at the Vending Location are restricted to non-school days and time periods on school days that begin at least thirty (30) minutes after school has been dismissed at the end of the school day. The DDOT Director may increase the minimum distance that a sidewalk Vending Location may be located from a specific school upon the written request of the Chancellor of the District of Columbia Public Schools or the principal of that school;
  - (11) Twelve feet (12 ft.) of any crosswalk when on the vehicle approach side of the Vending Location and crosswalk;

- (12) Five feet (5 ft.) from any crosswalk when not on the vehicle approach side of the Vending Location and crosswalk; and
- (13) Five feet (5 ft) from a building's marked fire control room.

525.2 Upon the request of the DCRA Director, the DDOT Director may waive the minimum passageway requirement of §§ 525.1525.1(d) or 525.1525.1(e) if the DDOT Director determines there will not be an adverse impact on, among other things, pedestrian circulation and public safety. The DCRA Director shall note on the Vending Site Permit the issuance of the waiver by the DDOT Director.

525.3 The passageway required by §§ 525.1525.1(d) and 525.1525.1(e) shall be measured from the closest allowable projection of the vending cart or stand to the nearest building, private property line, or interruption of the public space by a public amenity or fixture, whichever is nearest.

## **526 VENDING LOCATIONS: CENTRAL VENDING ZONE**

526.1 The Central Vending Zone shall have the following boundaries:

- (a) Beginning at the northeast corner of Massachusetts Avenue, NW, at 11th Street, NW;
- (b) East along the north curb of L Street, NW, to the west curb of mid-block alley between 9th Street, NW, and 10th Street, NW;
- (c) North along the center of the alley to the south curb of M Street, NW;
- (d) East along the south curb of M Street, NW, to the west curb of 9th Street, NW;
- (e) North along the west curb of 9th Street, NW, to the north curb of N Street, NW;
- (f) East along the north curb of N Street, NW, to the east curb of 6th Street, NW;
- (g) South along the east curb of 6th Street, NW, to the north curb of Massachusetts Avenue, NW;
- (h) East along the north curb of Massachusetts Avenue, NW, to the west curb of North Capitol Street, NW;
- (i) North along the west curb of North Capitol Street, NW, to the north curb of Q Street, NW;
- (j) East along the north curb of Q Street, NE, to the west curb of Eckington Place, NE;

- (k) North along the west curb of Eckington Place, NE, to the north curb of R Street, NE;
- (l) East along the north curb of R Street, NE, in a straight line to the north curb of New York Avenue, NE;
- (m) East along the north curb of New York Avenue, NE, to the east curb of 9th Street, NE;
- (n) South along the east curb of 9th Street, NE, to the east curb of Brentwood Parkway, NE;
- (o) South along the east curb of Brentwood Parkway, NE, to the east curb of 6th Street, NE;
- (p) South along the east curb of 6th Street, NE, to the south curb of M Street, NE;
- (q) West along the south curb of M Street, NE, to the east curb of 5th Street, NE;
- (r) South along the east curb of 5th Street, NE, to the south curb of H Street, NE;
- (s) West along the south curb of H Street, NE, to the east curb of 3rd Street, NE;
- (t) South along the east curb of 3rd Street, NE, to the north curb of Independence Avenue, SE;
- (u) West along the north curb of Independence Avenue, SE, to the east curb of 2nd Street, SE;
- (v) South along the east curb of 2nd Street, SE, to the south curb of C Street, SE;
- (w) West along the south curb of C Street, SE, to the east curb of 1st Street, SE;
- (x) South along the east curb of 1st Street, SE, to the south curb of D Street, SE;
- (y) West along the south curb of D Street, SE, to the east curb of New Jersey Avenue, SE;
- (z) South along the east curb of New Jersey Avenue, SE, to the south curb of Interstate 695;



- (aa) East along the south curb of Interstate 695 to east curb of Water Street, SE;
- (bb) South from the east curb of Water Street, SE, in a straight line to the west bank of the Anacostia River, SE;
- (cc) West along the north bank of the Anacostia River, SE, to the east curb of 11th Street, SE;
- (dd) South along the east curb of 11th Street, SE, to the east curb of Martin Luther King, Jr. Avenue, SE;
- (ee) South along the east curb of Martin Luther King, Jr. Avenue, SE, to the north curb of Suitland Parkway, SE;
- (ff) North along Suitland Parkway, SE, to the South Capitol Street Bridge;
- (gg) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;
- (hh) South along the west bank of the Anacostia River, SE, to the east bank of the Potomac River, SW;
- (ii) North along the east bank of the Potomac River, SW, to the west curb of the Potomac Parkway to Rock Creek Parkway;
- (jj) North along Rock Creek Parkway in a straight line to the north curb of N Street, NW;
- (kk) East along the north curb of N Street, NW, to the west curb of New Hampshire Avenue, NW;
- (ll) Northeast along the west curb of New Hampshire Avenue, NW, to the west curb of 20th Street, NW;
- (mm) North along the west curb of 20th Street, NW, to the north curb of P Street, NW;
- (nn) East along the north curb of P Street, NW, to west curb of Dupont Circle, NW;
- (oo) North along the west curb of Dupont Circle, NW, to the north curb of Massachusetts Avenue, NW; and
- (pp) East along the north curb of Massachusetts Avenue, NW, to the northeast corner of Massachusetts Avenue, NW and 11th Street, NW.

526.2

The following streets in the Central Vending Zone shall be exempt from the requirement that a minimum ten foot (10 ft.) clear passageway be maintained;

provided, that each of the following vending sites shall maintain a seven foot (7 ft.) clear passageway:

- (a) East and west sides of 19th Street, NW, between Constitution Avenue, NW and C Street, NW;
- (b) East and west sides of 20th Street, NW, between Constitution Avenue, NW and C Street, NW; and
- (c) East and west sides of 21st Street, NW, between Constitution Avenue, NW and C Street, NW.

526.3 Except for Vending Locations approved as part of a Vending Development Zone under § 570, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:

- (a) East side of 2nd Street, NE, between K Street, NE, and East Capitol Street;
- (b) East side of 10th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW (Federal Bureau of Investigation building);
- (c) East side of 12th Street, NW, between Constitution Avenue, NW, and Pennsylvania Avenue, NW (Internal Revenue Service building (southern half of block), and Old Post Office building (northern half of block));
- (d) East side of 12th Street, NW, between I Street, NW, and K Street, NW;
- (e) East side of 12th Street, NW, between New York Avenue, NW, and G Street, NW;
- (f) East side of 13th Street, NW, between L Street, NW, and Massachusetts Avenue, NW;
- (g) East side of 14th Street, NW, between Constitution Avenue, NW, and D Street, NW (John A. Wilson Building, Ronald Reagan Building and International Trade Center, and Commerce Department building);
- (h) East side of 22nd Street, NW, between F Street, NW, and G Street, NW;
- (i) East side of 24th Street, NW, between Pennsylvania Avenue, NW, and L Street, NW;
- (j) East side of 24th Street, NW, between Virginia Avenue, NW, and G Street, NW;
- (k) East side of 25th Street, NW, between H Street, NW, and I Street, NW;
- (l) East side of 26th Street, NW, between I Street, NW, and K Street, NW;
- (m) East and west sides of Delaware Avenue, SW, between M Street, SW, and H Street, SW;

- (n) East and west sides of Half Street, SE, between M Street, SE, and I Street, SE;
- (o) East and west sides of Half Street, SW, between M Street, SW, and I Street, SW;
- (p) East and west sides of New Hampshire Avenue, NW, between Virginia Avenue, NW, and I Street, NW;
- (q) East and west sides of 1st Street, SW, between Independence Avenue, SW, and C Street, SW;
- (r) East and west sides of 1st Street, SW, between M Street, SW, and mid-block between M Street and N Street, SW;
- (s) East and west sides of 2nd Street, SE, between M Street, SE, and D Street, SE;
- (t) East and west sides of 3rd Street, SW, between M Street, SW, and I Street, SW;
- (u) East and west sides of 5th Street, NW, between H Street, NW, and K Street, NW;
- (v) East and west sides of 6th Street, SW, between M Street, SW, and G Street, SW;
- (w) East and west sides of 8th Street, NW, between E Street, NW, and D Street, NW;
- (x) East and west sides of 9th Street, NW, between G Street, NW, and H Street, NW;
- (y) East and west sides of 21st Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (z) East and west sides of 23rd Street, NW, between C Street, NW, and E Street, NW (State Department building);
- (aa) East and west sides of 23rd Street, NW, between L Street, NW, and Washington Circle, NW;
- (bb) East and west sides of 25th Street, NW, between I Street, NW, and K Street, NW;
- (cc) East and west sides of 25th Street, NW, between L Street, NW, and M Street, NW;
- (dd) East and west sides of 6th Street, NW, between F Street, NW, and H Street, NW;
- (ee) East and west sides of 7th Street, NW, between F Street, NW, and H Street, NW;
- (ff) East and west sides of 3rd Street, NW, between F Street, NW, and G Street, NW;

- (gg) East and west sides of 4th Street, NW, between F Street, NW, and G Street, NW;
- (hh) North side of D Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (ii) North side of D Street, NW, between 5th Street, NW, and 9th Street, NW;
- (jj) North side of E Street, NW, between 1st Street, NW, and 2nd Street, NW;
- (kk) North side of E Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (ll) North side of F Street, NW, between 21st Street, NW, and 22nd Street, NW;
- (mm) North side of N Street, NW, between 21st Street, NW, and New Hampshire Avenue, NW;
- (nn) North side of Pennsylvania Avenue, NW, between 9th Street, NW, and 10th Street, NW;
- (oo) North side of Virginia Avenue, NW, between 23rd Street, NW, and 24th Street, NW;
- (pp) North and south sides of C Street, SE, between South Capitol Street, SE, and 3rd Street, SE;
- (qq) North and south sides of C Street, SW, between 6th Street, SW, and South Capitol Street, SW;
- (rr) North and south sides of C Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (ss) North and south sides of Connecticut Avenue, NW, between N Street, NW, and Dupont Circle, NW;
- (tt) North and south sides of D Street SE/SW between 4th Street, SW, and 3rd Street, SE;
- (uu) North and south sides of E Street, SW, between South Capitol Street and Interstate 395;
- (vv) North and south sides of E Street, SW, between 2nd Street, SW, and 7th Street, SW;
- (ww) North and south sides of E Street, NW, between 5th Street, NW, and 14th Street, NW;
- (xx) North and south sides of E Street, NW, between 21st Street, NW, and 23rd Street, NW;
- (yy) North and south sides of F Street, NW, between New Jersey Avenue, NW, and North Capitol Street, NW;
- (zz) North and south sides of H Street, NW, between 6th Street, NW, and Massachusetts Avenue, NW;
- (aaa) North and south sides of H Street, NW, between New Hampshire Avenue, NW, and 24th Street, NW;

- (bbb) North and south sides of I Street, SE, in a straight line between 3rd Street, SE, and South Capitol Street, SE;
- (ccc) North and south sides of I Street, SW, between 7th Street, SW, and South Capitol Street, SW;
- (ddd) North and south sides of I Street, NW, between 13th Street, NW, and 16th Street, NW;
- (eee) North and south sides of I Street, NW, between 26th Street, NW, and New Hampshire Avenue, NW;
- (fff) North and south sides of Jefferson Place, NW, between 18th Street, NW, and 19th Street, NW;
- (ggg) North and south sides of K Street SE/SW between Half Street, SW, and 3rd Street, SE;
- (hhh) North and south sides of K Street, SW, between Wesley Place, SW, and Delaware Avenue, SW;
- (iii) North and south sides of K Street, NW, between 25th Street, NW, and 26th Street, NW;
- (jjj) North and south sides of L Street SE/SW in a straight line between 3rd Street, SW, and 3rd Street, SE;
- (kkk) North and south sides of L Street, NW, between 24th Street, NW, and 25th Street, NW;
- (lll) North and south sides of M Street, NW, between 21st Street, NW, and Connecticut Avenue, NW;
- (mmm) North and south sides of M Street, NW, between 23rd Street, NW, and 28th Street, NW;
- (nnn) North and south sides of Massachusetts Avenue, NW, between Thomas Circle, NW, and 11th Street, NW;
- (ooo) North and south sides of N Street, NW, between 18th Street, NW, and Bataan Street, NW;
- (ppp) North and south sides of N Street, NW, between 21st Street, NW, and 25th Street, NW;
- (qqq) North and south sides of Sunderland Place, NW, between 19th Street, NW, and 20th Street, NW;
- (rrr) North and south sides of F Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (sss) North and south sides of H Street, NW, between 6th Street, NW, and 7th Street, NW (Verizon Center);
- (ttt) North and south sides of G Street, NW, between 3rd and 4th Streets, NW;

- (uuu) North and south sides of F Street, NW, between 3rd Street, NW, and 4th Street, NW;
- (vvv) South side of C Street, SW, between 12th Street, SW, and 14th Street, SW;
- (www) South side of G Street, NW, between 7th Street, NW, and 9th Street, NW;
- (xxx) South side of G Street, NW, between 23rd Street, NW, and 24th Street, NW;
- (yyy) South side of H Street, NW, between 23rd Street, NW, and 24th Street, NW;
- (zzz) South side of K Street, NW, between 24th Street, NW, and 25th Street, NW;
- (aaaa) West side of 5th Street, NW, between D Street, NW, and E Street, NW;
- (bbbb) West side of 9th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW;
- (cccc) West side of 17th Street, NW, between Constitution Avenue, NW, and C Street, NW;
- (dddd) West side of 17th Street, NW, between D Street, NW, and E Street, NW;
- (eeee) West side of 21st Street, NW, between New Hampshire Avenue, NW, and N Street, NW; and
- (ffff) West side of 23rd Street, NW, between Virginia Avenue, NW, and G Street, NW.

**527****VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE**

## 527.1

Except as specifically provided in § 527.2, no vendor shall vend on any sidewalk on public space within the area known as Old Georgetown enclosed by the following continuous boundary:

- (a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;
- (b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, NW, and Whitehaven Parkway, NW, to 35th Street, NW, south along the middle of 35th Street, NW, to Reservoir Road, NW, west along the middle of Reservoir Road, NW, to Glover-Archbold Park;
- (c) Bounded on the west by Glover-Archbold Park from Reservoir Road, NW, to the Potomac River; and
- (d) Bounded on the south by the Potomac River and the Rock Creek and Potomac Parkway.

527.2 The streets listed in this subsection shall constitute the Old Georgetown Vending Zone within which the DDOT Director may approve sidewalk Vending Locations; provided, that sidewalk Vending Locations shall be allowed only:

- (a) Within fifty feet (50 ft.) of the intersections of the cross streets with Wisconsin Avenue, NW;
- (b) On the sidewalks designated in paragraph (d);
- (c) In the directions from Wisconsin Avenue, NW, designated in paragraph (d), unless they are sites or markets authorized by the creation of a Vending Development Zone; and
- (d) At the following locations:
  - (1) Northern sidewalk of P Street, NW, east of Wisconsin Avenue, NW;
  - (2) Northern sidewalk of P Street, NW, west of Wisconsin Avenue, NW;
  - (3) Northern sidewalk of O Street, NW, east of Wisconsin Avenue, NW;
  - (4) Northern sidewalk of O Street, NW, west of Wisconsin Avenue, NW;
  - (5) Northern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
  - (6) Southern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;
  - (7) Northern sidewalk of N Street, NW, west of Wisconsin Avenue, NW (two (2) Vending Locations);
  - (8) Southern sidewalk of N Street, NW, west of Wisconsin Avenue, NW;
  - (9) Southern sidewalk of N Street, NW, east of Wisconsin Avenue, NW;
  - (10) Northern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW; and
  - (11) Southern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW.

**528 VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES**

528.1 The Neighborhood Vending Zones shall consist of the following streets:

(a) Capitol Hill area:

- (1) H Street, NE, from 3rd Street, NE, to 15th Street, NE (Zones C-2-A, C-2-B, and C-3-A);
- (2) Pennsylvania Avenue, SE, from 2nd Street, SE, to Potomac Avenue, SE (Zones C-2-A and C-2-B);
- (3) 8th Street, SE, from D Street, SE, to I Street, SE (Zone C-2-A);
- (4) 15th Street, NE, from A Street, NE, to East Capitol Street (Zone C-2-A);
- (5) East Capitol Street from 19th Street, SE, to 22nd Street, SE (Zone GOV): The following restriction applies:
  - (A) Only the south side of East Capitol Street shall be included in the Neighborhood Vending Zone;

(b) Far Northeast and Southeast area:

- (1) Benning Road, NE/SE, from 44th Street, SE, to A Street, SE (Zone C-3-A);
- (2) Branch Avenue, SE, from Q Street, SE, to S Street, SE (Zone C-1);
- (3) Central Avenue, SE, from 56th Street, SE, to Southern Avenue, SE (Zone C-1);
- (4) Dix Street, NE, from 60th Street, NE, to Eastern Avenue, NE (Zone C-2-A);
- (5) Minnesota Avenue, NE, from Blaine Street, NE, to Grant Street, NE (Zone C-3-A);
- (6) Nannie Helen Burroughs Avenue, NE, from 51st Street, NE, to Division Avenue, NE (Zone C-1);
- (7) Nannie Helen Burroughs Avenue, NE, from Minnesota Avenue, NE, to 48th Street, NE (Zone C-1 and C-M-1);
- (8) Pennsylvania Avenue, SE, from Alabama Avenue, SE, to Fort Davis Street, SE (Zone C-2-A); and



- (9) Pennsylvania Avenue, SE, from Fairlawn Avenue, SE, to 27th Street, SE (Zone C-2-A);
- (c) Far Southeast and Southwest area:
- (1) Martin Luther King, Jr. Avenue, SE, from Good Hope Road, SE, to Morris Road, SE (Zone C-3-A);
  - (2) Good Hope Road, SE, from Martin Luther King, Jr. Avenue, SE, to 13th Street, SE (Zone C-3-A);
  - (3) Naylor Road, SE, from Alabama Avenue, SE, to Denver Street, SE (Zone C-3-A);
  - (4) Naylor Road, SE, from 30th Street, SE, to Southern Avenue, SE (Zone C-1);
  - (5) Alabama Avenue, SE, from 15th Street, SE, to Stanton Road, SE (Zone C-1 and C-2-B);
  - (6) Livingston Road, SE, from 3rd Street, SE, to South Capitol Street, SE (Zone C-3-A);
  - (7) Martin Luther King, Jr. Avenue, SE, from 4th Street, SE, to Milwaukee Place, SE (Zone C-2-A);
  - (8) Martin Luther King, Jr. Avenue, SE, from Upsal Street, SE, to Halley Place, SE (Zone C-1);
  - (9) South Capitol Street from Martin Luther King, Jr. Avenue, SE, to Chesapeake Street, SE (Zone C-2-A);
  - (10) Savannah Street, SE, from 22nd Street, SE, to 23rd Street, SE (Zone C-1); and
  - (11) Wheeler Road, SE, from Wahler Place, SE, to Barnaby Terrace, SE (Zone C-1);
- (d) Mid-city area:
- (1) Mount Pleasant Street, NW, from Irving Street, NW, to Park Road, NW (Zone C-2-A);
  - (2) 7th Street, NW, from Florida Avenue, NW, to T Street, NW (Zone C-2-B);
  - (3) 14th Street, NW, from Columbia Road, NW, to Meridian Place, NW (Zones C-2-A and C-3-A);

- (4) 6th Street, NW, from Fairmont Street, NW, to College Street, NW (Zone R-5-B). The following restrictions apply:
  - (A) One (1) vendor in the first one hundred feet (100 ft.) of 6<sup>th</sup> Street, NW, south of the Fairmont Street, NW, curb;
  - (B) Two (2) vendors in the next fifty feet (50 ft.) of 6<sup>th</sup> Street, NW; and
  - (C) One (1) vendor in the next twenty-five feet (25 ft.) of 6<sup>th</sup> Street, NW.
- (5) 14th Street, NW from S Street, NW, to Florida Avenue, NW (Zones CR and C-3-A);
- (6) Columbia Road, NW, from Belmont Road, NW, to Mozart Place, NW (Zone C-2-B);
- (7) Georgia Avenue, NW, from Euclid Street, NW, to Rock Creek Church Road, NW (Zone C-2-A);
- (8) Rhode Island Avenue, NW, from T Street, NW, to 1st Street, NW (Zone C-2-A); and
- (e) Near Northwest area:
  - (1) Florida Avenue, NW, from Rhode Island Avenue, NW, to North Capitol Street (Zone C-2-A);
  - (2) P Street, NW, from 23rd Street, NW, to Dupont Circle, NW (Zones C-2-A, C-2-C, and C-2-B);
  - (3) 20th Street, NW, from R Street, NW, to S Street, NW (Zone C-3-B). The following restriction applies:
    - (A) Only the west side of 20th Street, NW, shall be included in the Neighborhood Vending Zone;
  - (4) 17th Street, NW, from Q Street, NW, to Riggs Place, NW (Zone C-2-A);
  - (5) 14th Street, NW, from N Street, NW, to S Street, NW (Zone C-3-A);
  - (6) 9th Street, NW, from M Street, NW, to P Street, NW (Zone C-2-A);
  - (7) 7th Street, NW, from M Street, NW, to N Street, NW (Zone C-2-B); and

- (8) 7th Street, NW, from O Street, NW, to Q Street, NW (Zone C-2-A);
- (f) Rock Creek East area:
- (1) Georgia Avenue, NW, from Rock Creek Church, NW, to Varnum Street, NW (Zones C-2-A and C-3-A);
  - (2) Blair Road, NW, from Whittier Street, NW, to 5th Street, NW (Zones C- M-1 and C-2-A);
  - (3) Georgia Avenue, NW, from Fern Place, NW, to Eastern Avenue, NW (Zone C-2-A);
  - (4) Georgia Avenue, NW, from Gallatin Street, NW, to Van Buren Street, NW (Zones C-2-A and C-3-A);
  - (5) Riggs Road, NE, from South Dakota Avenue, NE, to Chillum Place, NE (Zone C-2-A);
  - (6) Upshur Street, NW, from 3rd Street, NW, to Rock Creek Church Road, NW (Zone C-1); and
  - (7) 14th Street, NW, from Buchanan Street, NW, to Decatur Street, NW (Zones C-1 and C-M-1);
- (g) Rock Creek West area:
- (1) Connecticut Avenue, NW, from Fessenden Street, NW, to Nebraska Avenue, NW (Zone C-1);
  - (2) Connecticut Avenue, NW, from Livingston Street, NW, to Oliver Street, NW (Zone C-1);
  - (3) Connecticut Avenue, NW, from Macomb Street, NW, to Porter Street, NW (Zone C-2-A);
  - (4) Connecticut Avenue, NW, from Van Ness Street, NW, to Albemarle Street, NW (Zone C-3-A);
  - (5) Connecticut Avenue, NW, from Calvert Street, NW, to 24th Street, NW (Zones C-2-A and C-2-B);
  - (6) Connecticut Avenue, NW, from Hawthorne Street, NW, to Jewett Street, NW (Zone C-2-A);
  - (7) MacArthur Boulevard, NW, at Cathedral Avenue, NW, (Zone C-1);

- (8) MacArthur Boulevard, NW, from Arizona Avenue, NW, to Dana Place, NW (Zone C-2-A);
  - (9) MacArthur Boulevard, NW, from V Street, NW, to U Street, NW (Zone C-2-A);
  - (10) Massachusetts Avenue, NW, from 48th Street, NW, to 49th Street, NW (Zone C-2-A);
  - (11) New Mexico Avenue, NW, from Embassy Park Drive, NW, to Lowell Street, NW (Zone C-1);
  - (12) Ordway Street, NW, from alley east of Connecticut Avenue, NW, to alley west of Connecticut Avenue, NW (Zone C-2-A). The following restriction applies:
    - (A) Only the south side of Ordway Street, NW, shall be included in the Neighborhood Vending Zone;
  - (13) Wisconsin Avenue, NW, from Albemarle Street, NW, to Brandywine Street, NW;
  - (14) Wisconsin Avenue, NW, from Harrison Street, NW, to Western Avenue, NW (Zones C-2-A, C-2-B, and C-3-A);
  - (15) Wisconsin Avenue, NW, from Macomb Street, NW, to Idaho Avenue, NW. The following restriction applies:
    - (A) Only the west side of Wisconsin Avenue, NW, shall be included in the Neighborhood Vending Zone;
  - (16) Wisconsin Avenue, NW, from Rodman Street, NW, to 40th Street, NW (Zones C-1, C-2-A, and C-2-B); and
  - (17) 24th Street, NW, from Calvert Street, NW, to Connecticut Avenue, NW (Zone C-2-A); and
- (h) Upper Northeast area:
- (1) Allison Street, NE, from Michigan Avenue, NE, to Eastern Avenue, NE (Zone C-1);
  - (2) Bladensburg Road, NE, from L Street, NE, to Mount Olivet Road, NE (Zone C-2-A);
  - (3) Florida Avenue, NE, from West Virginia Avenue, NE, to Montello Avenue, NW (Zone C-2-A);

- (4) Mount Olivet Road, NE, from West Virginia Avenue, NE, to Trinidad Avenue, NE (Zone C-2-A);
- (5) Rhode Island Avenue, NE, from Monroe Street, NE, to Eastern Avenue, NE (Zone C-2-A);
- (6) Rhode Island Avenue, NE, from 4th Street, NE, to 10th Street, NE (Zones C-2-C, C-3-A, C-M-2, and M);
- (7) Rhode Island Avenue, NE, from 13th Street, NE, to 18th Street, NE (Zone C-2-A);
- (8) 12th Street, NE, from Irving Street, NE, to Randolph Street, NE (Zones C-1 and C-2-A); and
- (9) Benning Road, NE, from Bladensburg Road, NE, to Oklahoma Avenue, NE (Zones C-2-A and C-2-B).

## **529 VENDING LOCATIONS: NATIONALS PARK VENDING ZONE**

529.1 The streets listed in this section shall constitute the Nationals Park Vending Zone, in which sidewalk Vending Locations shall be allowed on the following streets and in the following numbers:

- (a) East side of First Street, SE, between N Street, SE, and N Place, SE – two (2) Vending Locations;
- (b) East side of First Street, SE, between N Place, SE, and O Street, SE – two (2) Vending Locations;
- (c) West side of Half Street, SE, between M Street, SE, and N Street, SE – seven (7) Vending Locations; and
- (d) North side of N Street, SE, between Half Street, SE, and Van Street, SE – three (3) Vending Locations.

529.2 The DDOT Director may, at his or her discretion, approve additional sidewalk Vending Locations in the Nationals Park Vending Zone in addition to those listed in § 529.1.

529.3 The DCRA Director shall assign the Vending Locations in the Nationals Park Vending Zone by lottery.

529.4 Applicants may apply electronically, via designated computer kiosks, for each monthly lottery by visiting the DCRA Business Licensing Center, which shall maintain information regarding the application process and qualifications.

- 529.5 Winners of each monthly lottery shall be notified by phone, first-class mail, electronic mail, and by being listed on the DCRA website (<http://dcra.dc.gov>).

**PART 3: STATIONARY ROADWAY VENDING LOCATIONS**

**530 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: GENERAL**

- 530.1 A Stationary Roadway Vendor must vend from a fixed location with a valid Vending Site Permit in an assigned Roadway Vending Location as designated in § 531;
- 530.2 A Stationary Roadway Vendor may not vend in any roadway location other than the authorized Roadway Vending Location for which the Stationary Roadway Vendor holds a valid Vending Site Permit.

**531 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS**

- 531.1 The authorized Stationary Roadway Vending Locations shall be on the streets and in the numbers set forth as follows:
- (a) 400 Independence Avenue, SW (National Air & Space Museum) – Location numbers one (1) through six (6);
  - (b) 600 Independence Avenue, SW (National Air & Space Museum) – Location numbers seven (7) through twelve (12);
  - (c) 700 Independence Avenue, SW (Hirshhorn Museum) – Location numbers thirteen (13) through eighteen (18);
  - (d) 1400 Constitution Avenue, NW (National Museum of American History) – Location numbers nineteen (19) and twenty (20);
  - (e) 1200 Independence Avenue, SW (Freer and Sackler Gallery) – Location numbers twenty-one (21) through twenty-two (22);
  - (f) 600 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-three (23) through twenty-six (26);
  - (g) 700 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-seven (27) through thirty (30);
  - (h) 900 Constitution Avenue, NW (National Museum of Natural History) – Location numbers thirty-one (31) through thirty-five (35);
  - (i) 1200 Constitution Avenue, NW (National Museum of American History) – Location numbers thirty-six (36) through forty-one (41);

- (j) 200 15th Street, NW (Ellipse East) – Location numbers forty-two (42) through fifty (50);
- (k) 400 15th Street, NW (Ellipse East) – Location numbers fifty-one (51) through fifty-nine (59);
- (l) 200 17th Street, NW (Ellipse West) – Location numbers sixty (60) through sixty-seven (67);
- (m) 400 17th Street, NW (Ellipse West) – Location numbers sixty-eight (68) through sixty-nine (69);
- (n) 500 17th Street, NW (State Place) – Location numbers seventy (70) through seventy-two (72);
- (o) 1500 Constitution Avenue, NW – Location numbers seventy-three (73) through seventy-four (74); and
- (p) 2100 H Street, NW – Location numbers seventy-five (75) through seventy-six (76).

531.2 The DDOT Director shall designate specific portions of the streets listed in § 531.1, in the numbers set forth in § 531.1, as authorized Stationary Roadway Vending Locations.

**532 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS**

532.1 The DDOT Director, in consultation with the DCRA Director, may designate Stationary Roadway Vending Locations in addition to those authorized in § 531.1; provided, that no additional Stationary Roadway Vending Location shall be designated:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a loading zone, entrance zone, parking space designated for diplomatic parking, or other curbside zone restricted for certain vehicles or uses;
- (c) On a snow emergency route designated under § 4024 of Chapter 40 (Traffic Signs and Restrictions at Specific Locations) of Title 18 (Vehicles and Traffic) of the DCMR;
- (d) Within forty feet (40 ft.) of an intersection;

- (e) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (f) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (g) Within twenty feet (20 ft.) of an alley;
- (h) Within forty feet (40 ft.) of any crosswalk;
- (i) Between the south side of Independence Avenue and the north side of Constitution Avenue, bounded by Rock Creek Parkway on the west and 4th Street NE/SE on the east; or
- (j) Five feet (5 ft) from a building's marked fire control room.

532.2 Upon the designation of additional Stationary Roadway Vending locations, a lottery shall be conducted by the DCRA Director to assign these Stationary Roadway Vending locations. Any Stationary Roadway Vending Locations not assigned during this lottery shall be included in the lottery conducted pursuant to § 539.

#### **PART 4: MOBILE ROADWAY VENDING LOCATIONS**

### **533 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL**

- 533.1 A Mobile Roadway Vending (MRV) vehicle operating in public space under this section shall have either an individual holding a valid Class A, Class B, or Class D Vending Business License or an individual holding a valid Vendor Employee Identification Badge, issued pursuant to § 564, inside the vehicle at all times while the vehicle is in operation.
- 533.2 A MRV Site Permit shall be required for each MRV vehicle, whether vending from a designated MRV location or any legal parking space in the District.
- 533.3 A MRV vehicle must be legally parked and pay all appropriate meter fees in order to vend from public space.
- 533.4 A MRV vehicle shall not include an ice cream vending vehicle, as defined in § 599.
- 533.5 A MRV shall not vend on any residential block designated as Residential Permit Parking unless specifically authorized by a Special Event permit.
- 533.6 To vend in a designated MRV location during the designated hours pursuant to § 534, a MRV vehicle shall be required to participate in a monthly MRV location



permit lottery. If a MRV vehicle, with a valid MRV Site Permit, does not participate in the monthly MRV location permit lottery, the MRV shall still be authorized to vend from public space pursuant to § 535.

533.7 No mobile roadway vending shall be authorized within five hundred feet (500 ft.) of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.

**534 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS:  
AUTHORIZED LOCATIONS**

534.1 The DCRA Director shall propose MRV locations to be designated, where MRV vehicles, with valid MRV Site Permits, may park in order to vend from public space. The DDOT Director shall review and, if approved, shall designate the MRV locations.

534.2 Each MRV location shall be designated by the DDOT Director with appropriate signage.

534.3 Parking within each designated MRV location shall be limited to only MRV vehicles during the hours of 10:30 a.m. to 2:30 p.m. on weekdays.

534.4 There shall be no parking, standing, or stopping in any designated MRV location from 10:00 a.m. to 10:30 a.m. on weekdays except District government holidays, unless authorized by the DDOT Director.

534.5 A MRV vehicle may park within a designated MRV location for no more than the four (4) hours per day designated by § 534.3.

534.6 The DCRA Director shall propose the following general areas to be reviewed by the DDOT Director for designation as MRV locations:

- (a) McPherson Square;
- (b) Farragut Square;
- (c) Franklin Square;
- (d) Foggy Bottom;
- (e) University of the District of Columbia – Van Ness campus;
- (f) George Washington University;
- (g) L'Enfant Plaza;
- (h) Historic Anacostia;

- (i) Navy Yard;
- (j) Metro Center;
- (k) Union Station;
- (l) Southwest Waterfront;
- (m) Federal Center SW;
- (n) Folger Park/Eastern Market;
- (o) West End;
- (p) Judiciary Square;
- (q) American University;
- (r) Howard University;
- (s) Gallaudet University;
- (t) Catholic University/Trinity College;
- (u) NoMa;
- (v) Minnesota/Benning, NE;
- (w) Friendship Heights; or
- (x) Other additional areas.

534.7 A MRV vehicle parked in a designated MRV location shall be subject to the design standards of § 544.

534.8 Notwithstanding any standards created pursuant to § 544.1, a MRV vehicle may not exceed:

- (a) Eighteen feet six inches (18 ft. 6 in.) in length;
- (b) Eight feet (8 ft.) in width; and
- (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

534.9 A designated MRV location shall not be established:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;
- (c) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (d) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (e) Within twenty feet (20 ft.) of an alley;
- (f) Within forty feet (40 ft.) of any crosswalk;
- (g) Ten feet (10 ft.) of a fire hydrant;
- (h) Any of the locations enumerated in § 535.3;
- (i) Any location that is not a legal parking space;
- (j) Any location that is immediately adjacent to a duly permitted sidewalk café; or
- (k) Five feet (5 ft.) from a building’s marked fire control room.

**535 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS**

535.1 A MRV vehicle operating outside of a designated MRV location established pursuant to § 534 shall:

- (a) Vend in a legal parking space that meets the requirements of § 535.2;
- (b) Pay all parking meter fees; and
- (c) Obey all posted time restrictions.

535.2 A MRV vehicle operating outside of a designated MRV location shall not park and vend:

- (a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;
- (b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;
- (c) Where the adjacent unobstructed sidewalk is less than ten feet (10 ft.) wide in the Central Business District or seven feet (7 ft.) wide outside the Central Business District;
- (d) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;
- (e) Within forty feet (40 ft.) of the driveway entrance to a police or fire station, or within twenty feet (20 ft.) of any other driveway;
- (f) Within twenty feet (20 ft.) of an alley;
- (g) Within forty feet (40 ft.) of any crosswalk;
- (h) Ten feet (10 ft.) of a fire hydrant;
- (i) Any of the locations enumerated in § 535.3;
- (j) Any location that is not a legal parking space;
- (k) Any location that is immediately adjacent to a duly permitted sidewalk café;
- (l) Five feet (5 ft.) from a building's marked fire control room; and
- (m) Within an area designated as a Stationary Roadway Vending Location.

535.3 A MRV vehicle operating under this section shall not vend at the following locations:

- (a) Constitution Avenue NE/NW between 23rd Street, NW, and 2nd Street, NE;
- (b) Independence Avenue SE/SW between 23rd Street, NW, and 2nd Street, NE;
- (c) 17th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;

- (d) 15th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (e) 14th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (f) 7th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (g) 4th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (h) 3rd Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (i) 1st Street, NE/SE, between Constitution Avenue, NE, and Independence Avenue, SE;
- (j) East Capitol Street, NE, between 1st Street, NE, and 2nd Street, NE;
- (k) Madison Drive, NW, between 15th Street, NW, and 3rd Street, NW;
- (l) Jefferson Drive, SW, between 15th Street, SW, and 3rd Street, SW;
- (m) Pennsylvania Avenue, NW, between 15th Street, NW, and 1st Street, NW;
- (n) Maryland Avenue, SW, between Independence Avenue, SW, and 1st Street, SW; and
- (o) 1st Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.

**536 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: APPLICATION FOR NEW LOCATIONS**

536.1 A person may submit a request to the DCRA Director to create a new designated MRV location, provided that the person specifies a location that is not in conflict with the above standards. All requests are subject to DCRA and DDOT review and approval.

**537 DIRECTOR’S DISCRETION**

537.1 The DCRA or DDOT Director has the discretion to propose, modify, or remove a designated MRV location at any time.

**PART 5: ASSIGNMENT OF VENDING LOCATIONS****538 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS**

- 538.1 Designated unoccupied sidewalk Vending Locations identified by the DCRA Director and approved by the DDOT Director may be assigned to licensed sidewalk vendors through a lottery conducted by the DCRA Director. No vendor or applicant may participate in a lottery for unoccupied sidewalk Vending Locations unless the vendor holds a Vending Business License or the person holds a current receipt for payment of Vending Business License fees for sidewalk vending and is registered for the lottery.
- 538.2 In addition to the lottery conducted pursuant to § 538.1, a vendor may, when submitting an application for a Vending Site Permit pursuant to § 510.1(b), identify a potential Vending Location that the vendor believes meets the DDOT standards in §§ 524-528. If the DDOT Director approves the location as an authorized Vending Location, that Vending Location shall be assigned to the vendor who first identified it on his or her completed and accepted Vending Site Permit application.
- 538.3 No holder of a Vending Business License shall be assigned more than five (5) sidewalk Vending Locations.
- 538.4 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.
- 538.5 No lottery registration or Vending Location assignment may be transferred, sold, conveyed, or assigned from the assigned vendor to any other person. Any attempt to transfer a lottery registration or Vending Location assignment will disqualify from the lottery both the vendor seeking to transfer the registration and the person seeking to obtain it.
- 538.6 The DCRA Director may contract out the function of performing the lotteries for sidewalk Vending Locations.
- 538.7 No Vending Site Permit shall be distributed until full payment is received from the vendor or person.
- 538.8 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the sidewalk Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the Vending Site Permit offer.

**539 ASSIGNMENT OF STATIONARY ROADWAY VENDING LOCATIONS**

- 539.1 For a period of one (1) year from the publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, MPD shall oversee

the lottery for stationary roadway Vending Locations. Upon the expiration of the yearlong period, the DCRA Director shall oversee the lottery.

- 539.2 Stationary Roadway Vending Locations shall be assigned as follows:
- (a) All Stationary Roadway Vending Locations shall be allocated by lottery;
  - (b) The lottery shall be conducted monthly, with Vending Locations allocated to a vendor by the following days of the week:
    - (1) Monday;
    - (2) Tuesday;
    - (3) Wednesday;
    - (4) Thursday;
    - (5) Friday;
    - (6) Saturday; or
    - (7) Sunday.
  - (c) There shall be equal allocation in the lottery of Class A and Class B licenses; and
  - (d) No vendor shall be issued Stationary Roadway Vending Site Permits for more than two (2) Stationary Roadway Vending Sites at any one time.
- 539.3 No Stationary Roadway Vending Site Permit shall be distributed until full payment is received from the roadway vendor or person.
- 539.4 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the Stationary Roadway Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the offer to the winning vendor.
- 539.5 The DCRA Director may lottery off unclaimed Stationary Roadway Vending Locations until all Stationary Roadway Vending Locations are awarded.
- 539.6 The DCRA Director shall register licensed roadway vendors, which may include both stationary roadway vendors and mobile roadway vendors, for participation in the lottery by assigning each vendor a registration number.
- 539.7 No vendor may participate in the lottery for Stationary Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.

- 539.8 No vendor may operate on more than one (1) Stationary Roadway Vending Location per day, and only one (1) vendor may occupy an assigned Stationary Roadway Vending Location as described on the Stationary Roadway Vending Site Permit, unless otherwise specified by the DCRA Director on the Stationary Roadway Vending Site Permit.
- 539.9 No lottery registration or Stationary Roadway Vending Location assignment or permits may be transferred from a vendor to any other person.
- 539.10 The DCRA Director may contract out the function of performing the lottery for Stationary Roadway Vending Locations; provided that the lottery may be subject to any government-required audit or review.

**540 ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS**

- 540.1 MRV location permits for each MRV vehicle shall initially be determined by a monthly lottery with each lottery assigning a MRV vehicle to a specific MRV location and for a specific day of the month.
- 540.2 The DCRA Director shall establish the format of the MRV location permit lottery program and may modify the format, as necessary, to improve efficiency or to incorporate technological advancements.
- 540.3 The lottery shall be conducted monthly, with MRV locations allocated to MRV vehicles by the following days of the week:
- (a) Monday;
  - (b) Tuesday;
  - (c) Wednesday;
  - (d) Thursday; and
  - (e) Friday.
- 540.4 A MRV vehicle shall register for the MRV location permit lottery by the MRV vehicle's vehicle registration number and Vending Business license number. No vendors will be eligible for MRV location permit lottery in months when their Vending Business license will expire without renewal.
- 540.5 There shall be only one (1) MRV location permit lottery entry per MRV vehicle.
- 540.6 Prior to each monthly lottery, MRV vendors shall have the option to list the available MRV locations in order of their preference; this information will serve as the MRV vendor's lottery preference request.



- 540.7 In addition to the standard MRV location permit lottery entry, the DCRA Director may create a lottery program for MRV vehicles to vend from multiple established MRV locations on for specific hours on specific days of the week during each month.
- 540.8 The non-refundable lottery application fee for the monthly MRV location permit lottery shall be \$25 per MRV vehicle and shall be paid prior to a MRV vehicle submitting monthly MRV location preferences.
- 540.9 The monthly MRV location permit fee shall be \$150 per MRV vehicle and shall be paid in full prior to the MRV vehicle being authorized to vend from the designated MRV location assigned via the monthly lottery.
- 540.10 A MRV vendor not participating in the monthly MRV location permit program may vend from any legal parking space, in compliance with its Vending Site Permit and §§ 534 and 535.

#### **PART 6: MISCELLANEOUS**

#### **541 PUBLIC MARKETS**

- 541.1 No person shall operate or vend from a public market unless the public or private market is located on:
- (a) Public space approved by the DDOT Director;
  - (b) Private space; or
  - (c) A combination of both public space approved by the DDOT Director and private space.
- 541.2 No person shall manage a public market on public or private space without holding a Class C Vending Business License.
- 541.3 No Class C Vending Business License holder shall operate a public market on public space without first obtaining a Public Space Permit from the DDOT Director.
- 541.4 Each person operating at a public market managed by the holder of a Class C Vending Business License on public or private space shall be subject to all applicable license and health laws and regulations.
- 541.5 No Class C Vending Business License holder shall operate a public market on public or private space without first obtaining a DOH health inspection certificate and food safety compliance inspection in accordance with Subtitle A of Title 25 of the DCMR.

- 541.6 Each public market operated by the holder of a Class C Vending Business License that is operating on private space shall obtain a certificate of occupancy from the DCRA Director.
- 541.7 A person who is authorized by the Class C Vending Business License holder to operate at a public market may operate without a Vending Business License or Vending Site Permit; provided, that the person shall:
- (a) Comply with all applicable laws and regulations regarding the registration of the person's business with the Office of Tax and Revenue and DCRA; and
  - (b) Comply with any standards imposed by DOH or other relevant agencies.
- 541.8 A Class C Vending Business License holder shall maintain records of all persons operating at each public market managed by the licensee.

## **542 TEMPORARY RELOCATION OF VENDORS**

- 542.1 The DCRA Director, the DDOT Director, or MPD may order the temporary relocation of a vendor from the vendor's permitted Vending Location in construction areas, for special events or transportation requirements, or any other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.
- 542.2 Any temporary relocation shall last only until such time as the original Vending Location is determined by the DCRA Director, the DDOT Director, or MPD to be useable again.
- 542.3 A vendor subject to a temporary relocation shall be relocated by the DCRA Director to the closest available location that is deemed allowable for vending.
- 542.4 In any situation where a temporary relocation will be for at least twenty-one (21) calendar days, the DCRA Director shall issue the affected vendor, at no cost, a new Vending Site Permit for the new Vending Location.

## **543 ICE CREAM ROADWAY VENDORS**

- 543.1 No ice cream vending vehicle shall remain in any one (1) place for a period longer than necessary to make sale after having been approached or stopped for that purpose.
- 543.2 When stopped, an ice cream vending vehicle shall be legally parked.
- 543.3 No ice cream roadway vending business shall be transacted within one hundred feet (100 ft.) of the roadway of a traffic circle.

- 543.4 Ice cream roadway vending vehicles that are likely to attract children as customers shall park curbside when stopping to make a sale or as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

**SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND INSPECTIONS**

**PART 1: DESIGN STANDARDS**

**544 DESIGN STANDARDS: GENERAL**

- 544.1 The DCRA Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.
- 544.2 The provisions of §§ 545, 546, 547, 548, 549, 553, 554, and 559 shall not apply to activities licensed and permitted under § 503.1(c).

**545 DESIGN STANDARDS: VENDING CARTS**

- 545.1 No vending cart, including any display on or attachments to the cart allowed by this section, shall exceed the following dimensions unless specified by the DCRA Director on the Vending Site Permit:
- (a) Four feet six inches (4 ft. 6 in.) in width, unless the vendor vends food from the vending cart, in which case the vending cart shall not exceed five feet (5 ft.) in width;
  - (b) Seven feet (7 ft.) in length, unless the vendor vends food from the vending cart, in which case the cart shall not exceed eight feet (8 ft.) in length; and
  - (c) Eight feet six inches (8 ft. 6 in.) in height, measured from the bottom of the tire.
- 545.2 A vending cart shall be covered by either:
- (a) One (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and one half feet (4.5 ft.) in any direction from the body of the cart; or
  - (b) One (1) canopy which shall not overhang more than six inches (6 in.) in any direction from the body of the cart.
- 545.3 Any umbrella or canopy used to cover a vending cart:
- (a) Shall be made of water-resistant canvas with wood or metal frames; and

- (b) Shall not contain any advertising other than advertising allowed under § 549.
- 545.4 No food or merchandise shall be hung or otherwise displayed from the back of the vending cart.
- 545.5 No food or merchandise, hung or otherwise displayed on the front of the vending cart, shall extend more than two feet (2 ft.) from the front of the vending cart or extend past the sides of the vending cart.
- 545.6 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart; provided, that up to two (2) coolers or containers with food may be placed immediately adjacent to the vending cart, at least four inches (4 in.) off the ground, and in compliance with DOH food storage regulations; and provided further, that the total size of the coolers or containers taken together shall not exceed the length of the cart (eight feet (8 ft.)).
- 545.7 The cart shall be placed on one (1) or more wheels; provided, that:
  - (a) The wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter;
  - (b) The wheels shall be a wood or metal frame with rubber trim for tires; and
  - (c) The cart may include stabilizing legs in addition to the wheel or wheels.
- 545.8 The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.

#### **546 DESIGN STANDARDS: VENDING VEHICLES**

- 546.1 No vending vehicle, including any display on or attachments to the vehicle allowed by this section, shall exceed the followings dimensions unless otherwise authorized by the DCRA Director:
  - (a) Eighteen feet six inches (18 ft. 6 in.) in length;
  - (b) Eight feet (8 ft.) in width; and
  - (c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.
- 546.2 No food, merchandise, or equipment shall be hung or otherwise displayed from the non-serving side or back of the vending vehicle.
- 546.3 All food, merchandise, and equipment, other than the serving window flap or awning shall be firmly attached to the body of the vending vehicle and shall not

project more than twelve inches (12 in.) from the body of the vehicle when serving and must be retracted when not serving.

546.4 All vending vehicles shall rest on inflated tires.

**547 DESIGN STANDARDS: VENDING STANDS**

547.1 The design and operation of all vending stands shall conform with the following requirements, unless otherwise authorized by the DCRA Director on the Vending Site Permit:

- (a) The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the DCRA Director, or a shoe-shine stand structure approved by the DCRA Director. If the stand or structure is made of wood, the wood shall consist of weather-resistant lumber with two (2) coats of varnish or non-toxic paint;
- (b) The stand shall not exceed a maximum horizontal surface area of seven feet by four feet six inches (7 ft. x 4 ft. 6 in.);
- (c) The surface area of the table (or the highest surface area of the stair-stepped structure) shall be at a height of between one foot (1 ft.) and four and a half feet (4.5 ft.);
- (d) The stand shall have a canopy that shall not exceed seven feet nine inches by five feet three inches (7 ft. 9 in. x 5 ft. 3 in.) and shall be comprised of water-resistant canvas or six (6) ply polyurethane material covering a metal or wood frame mounted above the stand. The uppermost point of the canopy shall not exceed more than nine feet (9 ft.) in height and the lowest point on the canopy, inclusive of any canopy flap, shall not be less than seven feet (7 ft.) in height, measured from the sidewalk pavement. The canopy shall be clean and in good repair;
- (e) A skirt or tablecloth shall be attached to the table surface on all sides and shall extend from the table surface to no more than one inch (1 in.) from the sidewalk pavement. The skirt shall be clean and in good repair; and
- (f) No free standing racks or other free-standing forms of display shall be allowed around the stand.

**548 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES**

548.1 All vending vehicles and vending carts that vend food shall be inspected and approved by the DOH Director as being of a design which is approved by, or is equivalent to a design approved by, the National Sanitation Foundation. All equipment used in the vehicle or cart for the vending of food shall be inspected and approved by the DOH Director as being of commercial grade and in compliance with National Sanitation Foundation standards or the equivalent.

- 548.2 If DCRA waives any design standard for a food vending cart or vehicle that is not in compliance with §§ 545, 546, 547, or 548, a written waiver approving the non-compliant cart or vehicle shall be issued by DCRA, MPD, and DDOT to the DOH Director prior to DOH either conducting a food safety code compliance inspection pursuant to Subtitle A of Title 25 of the DCMR or issuing a health inspection certificate.
- 548.3 All vending vehicles and vending carts that vend food shall be designed and operated in accordance with all relevant food safety laws and may be required to include:
- (a) A fresh water tank with at least a five gallon (5 gal.) capacity or more for food vending carts;
  - (b) A fresh water tank with at least a thirty-eight gallon (38 gal.) capacity or more for food vending vehicles;
  - (c) A waste water tank with a capacity fifteen percent (15%) or larger than the required fresh water tank;
  - (d) A three (3) compartment sink with hot and cold running water;
  - (e) A separate hand washing sink with mixing faucet;
  - (f) Walls, ceiling, and floors that are smooth and easily cleanable;
  - (g) Natural or electrical lighting to provide a minimum of fifty (50) candles of light on work surfaces;
  - (h) A generator-powered refrigerator that will maintain stored foods at forty-one degrees Fahrenheit (41° F) or below and that has sufficient holding capacity for one (1) day of operation;
  - (i) A generator-powered freezer that will hold stored foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and
  - (j) Adequate ventilation.

**549 DESIGN STANDARDS: ADVERTISING**

- 549.1 No advertising, other than the name of the vending business and any food, merchandise, or service (including the price thereof) sold as part of the vending business, shall be placed on a vending vehicle, stand, or cart, including any canopy or umbrella.

549.2 Advertising of any food, merchandise, or service (including the price thereof) sold as part of the vending business may be placed only on the front side of a vending vehicle or vending cart or on the front side of a vending stand skirt, and shall not be placed on an umbrella or canopy or on the back or side (street side) of any vending vehicle or vending cart or on the back or side of a vending stand skirt.

549.3 Advertising of the name of the vending business may be placed on the canopy, umbrella, vending stand skirt, or along the lower half of the front, side, or back of a vending vehicle or cart.

**550 DESIGN STANDARDS: PHASE-IN PERIOD**

550.1 Any vendor issued a Vending Business License prior to the date of publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, shall have until one (1) year from that date of publication to come into compliance with the following subsections of this chapter:

- (a) Subsection 545.2; and
- (b) Subsection 545.5.

**PART 2: OPERATIONAL STANDARDS**

**551 OPERATIONAL STANDARDS: GENERAL**

551.1 A vendor shall comply with all District and federal laws and regulations applicable to the operation of a vending business.

551.2 No vendor shall vend in public space:

- (a) After the expiration of the Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business; or
- (b) During any period when the vendor’s Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business has been suspended or revoked.

551.3 A vendor shall, at all times, obey posted traffic and parking signs.

**552 OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS**

552.1 Vendors may operate only during the following hours:

- (a) Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.; and

(b) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.

552.2 Notwithstanding § 552.1, the Vending Site Permit for each Vending Location in a Vending Development Zone shall establish the hours of operation for that Vending Location.

**553 OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS**

553.1 No vendor shall vend in a location that is not a Vending Location assigned to the vendor by the DCRA Director.

553.2 A vendor shall place his or her vending stand or vending cart parallel to the curb, with the longest side of the vending stand or vending cart parallel to the curb and located two feet (2 ft.) from the curb face, unless otherwise specified by the DCRA Director on the Vending Site Permit.

553.3 No vendor shall vend upon, or impede free access to, service and ventilation grates and covers or in any location that would not be an authorized Vending Location under § 525.1, unless specifically authorized by the DCRA Director or the DDOT Director or as part of a Vending Development Zone.

553.4 No vendor shall drive a vehicle onto or over a curb with the purpose of dropping off or picking up a vendor cart for towing.

553.5 No vendor shall place his or her vending vehicle, vending stand, or vending cart in such a manner that it impedes passage of pedestrians along the sidewalks.

**554 OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS**

554.1 All surplus merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart shall be kept either in or under (or, in the case of a vending stand, on) the vending vehicle, vending stand, or vending cart.

554.2 No merchandise, food, equipment, or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or placed upon any public space adjacent to the vending vehicle, vending stand, or vending cart.

554.3 No vendor shall place any vending equipment or related items upon, or in a place or manner impeding free access to, service and ventilation grates and covers in accordance with § 553.3.



554.4 No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space beyond the hours of operation of the vending business.

**555 OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING**

555.1 All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:

- (a) An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code §§ 48-101 *et seq.* (2009 Repl. & 2011 Supp.));
- (b) Subtitle A (Food and Food Operations) of Title 25 (Food Operations and Community Hygiene) of the DCMR;
- (c) Any other applicable law or regulation related to the preparation, handling, transportation, or storage of food;
- (d) Requirements of, and conditions imposed by, the health inspection certificate, including any plans or standards approved or imposed as part of the issuance of the health inspection certificate; and
- (e) Any applicable standards established by DOH.

555.2 No food vending equipment shall be used for purposes other than those authorized by the DOH Director.

555.3 No food may be vended from a vending vehicle, cart, or stand unless there is a person in charge on site at the time of the preparation, handling, and sale of the food who holds a valid:

- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
- (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

**556 OPERATIONAL STANDARDS: FIRE SAFETY**

556.1 All vending vehicles equipped with cooking appliances shall have at least one (1) fire extinguisher with a minimum rating of 2A-10BC mounted in the cooking area.

556.2 All vending vehicles operating with propane or open flames shall meet the following standards:

- (a) All propane compartments shall be secured and placarded;
- (b) “No Smoking” signs shall be posted on the vehicle; and
- (c) Propane or open flame permits shall be clearly posted on the vehicle.

**557 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS**

557.1 No vendor shall operate a loud speaker or sound amplifier, or play a radio, drum, or other musical instrument as a means of advertising in such a manner as to create a noise disturbance, as that term is defined in DCMR Title 20, § 2799.

557.2 Activities open to the public and provided for in DCMR Title 20, Subsection 2805.2 are exempt from the limitations set forth in this section.

**PART 3: INSPECTIONS**

**558 INSPECTIONS: FOOD PREPARATION AND HANDLING**

558.1 The vendor’s food preparation, handling, transportation, and storage operations shall be subject to inspection at any time to verify compliance with applicable provisions of Subtitle A of Title 25 of the DCMR and any conditions imposed by the health inspection certificate.

558.2 Each food vending business shall be inspected by the DOH Director at least once every six (6) months. Failure to pass an inspection shall be cause for summary suspension of the vendor’s Vending Business License and Vending Site Permit pursuant to §§ 507, 512, and 516.

**559 INSPECTIONS: DESIGN STANDARDS**

559.1 A vendor’s vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the DCRA Director to verify compliance with applicable design standards required by this chapter.

559.2 Failure to comply with design standards for vending vehicles, vending stands, or vending carts may be cause for the issuance of a civil infraction or the summary suspension or revocation of a Vending Site Permit.

**560 INSPECTIONS: FIRE SAFETY**

560.1 All vending vehicles, vending carts, or vending stands with deep fryers, propane or open flame, or any other electrical or cooking devices shall be inspected by FEMS at least once a year or as regularly as the Fire Marshal prescribes.

- 560.2 If a vending vehicle, vending cart, or vending stand fails an inspection performed pursuant to this section, the FEMS inspector may summarily seize the Vending Business License and Vending Site Permit and deliver it to the DCRA Director. The DCRA Director shall return the seized Vending Business License or Vending Site Permit to the licensee only upon the licensee's vending vehicle, vending cart, or vending stand passing FEMS inspection.

#### **PART 4: OTHER STANDARDS OF OPERATION**

##### **561 MAINTENANCE STANDARDS**

- 561.1 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained in a safe, clean, and sanitary condition, and in good repair.
- 561.2 All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained so that the vending vehicle, cart, or stand remains at all times in compliance with the standards of this subchapter.

##### **562 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES**

- 562.1 A vendor shall conspicuously display on the vendor's vending vehicle, vending cart, or vending stand, or public market, as required in Chapter 37, Subtitle A of Title 25 of the DCMR, his or her:
- (a) Vending Business License;
  - (b) Vending Site Permit;
  - (c) Health inspection certificate;
  - (d) Food Protection Manager Certificate;
  - (e) DCRA-issued vendor identification card;
  - (f) DOH-issued certified food protection manager identification card; and
  - (g) A propane or open flame permit, if the vendor uses propane or open flames in his or her operations.
- 562.2 The items required by § 562.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and are clearly visible to the public.
- 562.3 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.

- 562.4 If a Vending Business License, Vending Site Permit, or health inspection certificate is displayed by a vendor or on a vending vehicle, vending cart, or vending stand other than that of the vendor, vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued, the DCRA Director or MPD may summarily impound or immobilize the vending vehicle, vending stand, or vending cart on which the Vending Business License, Vending Site Permit, or health inspection certificate is unlawfully displayed.
- 562.5 If a summary impounding or immobilization occurs pursuant to § 562.4, the DCRA Director or MPD shall release the impounded or immobilized vending vehicle, vending stand, or vending cart to the vendor upon the payment of a fine in an amount established by the DCRA Director.
- 562.6 Failure to display any required certificates of authority, or to provide those certificates to an authorized District government representative, may result in summary suspension of a vendor's Vending Business License or Vending Site Permit and the impounding or immobilizing of the vending vehicle, vending stand, or vending cart. The vendor's license or site permit shall be returned to the licensee upon the proper display or provision of the required certificates of authority.

**563 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS**

- 563.1 All vending vehicles and vending carts:
- (a) Shall be registered and inspected by the District of Columbia Department of Motor Vehicles or by the motor vehicle department of another state or municipality with appropriate jurisdiction;
  - (b) Shall display all current tags on the vehicle or cart; and
  - (c) Shall not vend any food, merchandise, or services if the vehicle has temporary tags.
- 563.2 Any vending vehicle not displaying current vehicle registration shall be subject to removal and shall subject the licensee to summary suspension of their Vending Business License and Vending Site Permit. The vendor's vehicle, Vending Business License and Vending Site Permit shall be returned to the licensee upon the proper display of current vehicle registration.

**564 EMPLOYEES OF LICENSED VENDORS**

- 564.1 No individual shall work at a vending business unless the individual is the licensed vendor of the vending business or is an employee of the vendor holding a valid Vendor Employee Identification Badge.

- 564.2 The employing vendor shall follow all applicable District and federal employment laws and regulations.
- 564.3 An employee of a vendor may operate the vendor's Class A or Class D vending business without the vendor being present; provided, that the employee holds a valid:
- (a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and
  - (b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR.
- 564.4 No individual may act as an employee of a vendor unless that individual holds a valid Vendor Employee Identification Badge issued by the DCRA Director.
- 564.5 An individual shall apply for a Vendor Employee Identification Badge by submitting an application to the DCRA Director, on a form prescribed by the DCRA Director, which shall include:
- (a) The name, address, photograph, and telephone number of the individual;
  - (b) The name and license number of the vendor for whom the individual will act as an employee;
  - (c) The signature of the individual;
  - (d) The notarized signature of the vendor;
  - (e) The application fee, which shall be fifty-five dollars (\$55); and
  - (f) Any additional information or documentation required by the DCRA Director.
- 564.6 The Vendor Employee Identification Badge shall include the name of the employee of the vendor, a badge number, the name of the licensed vendor, and the Vending Business License number of the vendor.
- 564.7 An employee shall conspicuously wear his or her Vendor Employee Identification Badge when the employee is operating the vendor's vending business.
- 564.8 An individual may represent more than one (1) licensed vendor; provided, that the individual:

- (a) Has a Vendor Employee Identification Badge for each licensed vendor that employs the individual; and
- (b) Displays the Vendor Employee Identification Badge for the respective licensed vendor while working at that vendor's vending business.

564.9 A licensed vendor shall be held responsible for the actions of his or her employees and independent contractors, where such actions are related to the operation of the vending business and, either singularly or in combination, the Vending Business License, Vending Site Permit, Vendor Employee Identification Badge, and health inspection certificate of the vendor may be suspended or revoked based on those actions.

## **565 LITTERING AND CUSTOMER LINES**

565.1 Vendors shall keep sidewalks, roadways, and other public space adjoining and adjacent to their assigned Vending Location clean and free from paper, peelings, and refuse of any kind.

565.2 All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public trash receptacles shall not be used for compliance with this section.

565.3 A vendor shall ensure that waiting customers do not completely block the public sidewalk. A vendor shall comply with this subsection by asking customers, through verbal communication and signage on the vehicle, to not impede pedestrian access along the public sidewalks.

565.4 The DCRA Director may enter into agreements with other District agencies, public-private partnerships, or other District government-authorized or –licensed entities to assist with waste management issues related to vending businesses.

## **566 DISPLAY OF SAMPLE ITEMS**

566.1 No vendor shall display any object (including signage) used as an example of merchandise or food for sale or to advertise merchandise, services, or food for sale unless the object conforms to the merchandise or food being sold by the vendor at that particular Vending Location.

## **567 PURCHASE OR RECEIPT OF STOCK**

567.1 No vendor shall purchase any inventory stock from public space.

567.2 No vendor shall take delivery of any inventory stock in public space, with the exception of perishable food items for consumption and ice.

**568 PLACING VENDING BUSINESS LICENSES ON HOLD**

- 568.1 The DCRA Director shall create a process by which a vending business may voluntarily put its Vending Business License on hold and subsequently retrieve it from hold status to avoid suspension or revocation of a Vending Site Permit.
- 568.2 A Vending Business License may be placed on hold and in the possession of the DCRA Director during such times that the vending business is not in operation for seasonal purposes or emergent issues; provided, that the holder of the Vending Business License is in compliance with the Clean Hands Certification.
- 568.3 Placement of a Vending Business License and/or Vending Site Permit on hold pursuant to this section shall not stay the license or site permit's expiration date and, to remain valid, it must be renewed on or before its expiration date, pursuant to § 506.
- 568.4 A vendor, or any employee or independent contractor employed by the vendor, who vends any products, food, merchandise, or services while his or her Vending Business License is placed on hold shall be subject to the revocation of his or her Vending Business License.

**569 REQUIREMENT TO UPDATE INFORMATION**

- 569.1 If, pursuant to the provisions of this chapter, a vendor provided information to a District agency and that information changes, the vendor shall, within ten (10) business days after the change in information, provide updated information to the appropriate agency.

**SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS****570 VENDING DEVELOPMENT ZONES**

- 570.1 The DCRA Director may establish Vending Development Zones (VDZ) to promote new and innovative vending practices designed to achieve the following objectives:
- (a) For communities to utilize vending and public markets to create unique and attractive destinations and increase foot traffic in commercial corridors;
  - (b) For communities to have expanded capability to manage vending and public markets in unique high-density hospitality zones;
  - (c) Provide opportunities for vendors to expand their creativity and entrepreneurship in both their products and their carts, stands, or vehicles;
  - (d) Expand vending and public market opportunities for small and local businesses;

- (e) Improve the safety, appearance, and use of public space;
- (f) Allow for greater expansion of the creative economy through the addition of entertainment and artistic business ventures in public space;
- (g) Attract retail to emerging corridors by bringing new retail energy to neighborhoods; and
- (h) Strengthen the retail base and create opportunities for vibrant retail streets and corridors and ensure shoppers have a greater selection of products and services.

570.2 Notwithstanding other provisions of this chapter and of Chapter 13 of Title 19 of the DCMR, the DCRA Director shall allow a VDZ greater flexibility in complying with regulations governing the:

- (a) Location of vendors in public space, provided, that no category of Vending Business License is specifically excluded;
- (b) Method for assigning Vending Locations, including the exclusion of any roadway vending vehicle that is not expressly included by Vending Site Permit in the VDZ;
- (c) Design standards for vending vehicles, vending carts, roadway vending vehicles, and vending stands;
- (d) Hours of operation;
- (e) Length of time for which a Vending Site Permit shall be issued; and
- (f) Special performance and entertainment requirements of Chapter 13 of Title 19 of the DCMR.

570.3 The DCRA Director may establish a VDZ upon the approval of an application submitted by a business association, community organization, Advisory Neighborhood Commissions (ANCs), Business Improvement Districts (BIDs), or District government agency.

570.4 The DCRA Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:

- (a) Department of Small and Local Business Development;
- (b) Department of Health;
- (c) District Department of Transportation; and
- (d) Office of Planning.



570.5 A VDZ application shall be reviewed in a two (2)-part process:

- (a) The applicant shall submit five (5) hard copies or one (1) electronic copy of a pre-application to the DCRA Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:
  - (1) The applicant's mission, bylaws, process for electing officers, and public meeting requirements where applicable or, in the case of a Coordinating Agency, its mission and responsibilities;
  - (2) The purpose and intent of establishing a VDZ, including aspects of placemaking and creative economy planning;
  - (3) A map delineating the proposed boundaries of the VDZ and all current Vending Locations; and
  - (4) Where applicable, any partner organizations collaborating on the application.
- (b) Upon verification of the items required by paragraph (a), the DCRA Director shall approve the pre-application. Within ninety (90) calendar days of notification from the DCRA Director of pre-application approval, the applicant shall, in consultation with the Coordinating Agencies, prepare and submit five (5) hard copies or one (1) electronic copy of a VDZ application to the DCRA Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:
  - (1) A description of the proposed innovative vending strategy or expanded management opportunity;
  - (2) A map showing proposed vending and public market locations;
  - (3) An implementation plan that may include, but is not limited to:
    - (A) Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;
    - (B) Marketing strategy for placemaking, coordinated design, semi-permanent fixtures, entertainment, or creative economy programming;
    - (C) Partnership opportunities; and
    - (D) Diversity of products or services offered;

- (5) A plan for coordinating with existing vendors and businesses located within the proposed VDZ; and
- (6) Any other information that the DCRA Director requires.

570.6 The DCRA Director and coordinating agencies shall review VDZ applications to identify any issues that the applicant must resolve prior to further processing of the application. Additionally:

- (a) The DCRA Director shall forward each VDZ application to the Coordinating Agencies for evaluation based upon:
  - (1) Compliance with objectives defined in § 570.1; and
  - (2) The ability of the applicant to achieve the proposed innovative vending strategy;
- (b) Each Coordinating Agency shall review the application concurrently within forty-five (45) days and forward any issues to the DCRA Director;
- (c) The DCRA Director shall notify the applicant in writing or electronically of any issues identified by a Coordinating Agency and the applicant shall work with the Coordinating Agencies to address all issues within thirty (30) days of receiving written or electronic notification. The Coordinating Agencies shall notify the Director when all issues have been resolved; and
- (d) The Director may deny an application if the applicant is unable to resolve any issues identified by the Coordinating Agencies within the 30-day time period set forth in Subsection (b), but extend the 30-day period for good cause.

570.7 Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall publish notice of the proposed vending development zone in the District of Columbia Register. Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall hold a public hearing to solicit public comments on the VDZ application. The DCRA Director shall publish notice of the hearing in the *District of Columbia Register*, give notice of the hearing to the affected Advisory Neighborhood Commission, and post copies of the application on the DCRA website at least fifteen (15) calendar days before the hearing.

570.8 Within forty-five (45) days after the public hearing, the DCRA Director shall either approve or deny the VDZ application based upon the information in the VDZ application and the findings from the public hearing.

570.9 The DCRA Director shall assist in the implementation of the VDZ vending strategy. Vending Business Licenses and Vending Site Permits shall be issued consistent with the approved VDZ application. Pursuant to the VDZ vending

strategy, the DCRA Director shall manage the site delegation and distribution of Vendor Locations to vendor site applicants.

- 570.10 The DCRA Director may require the VDZ applicant or vendors in a VDZ to provide information or reports that are needed to assess long-term benefits or disadvantages of the innovative vending practices.
- 570.11 The Director may suspend or revoke a vendor's Vending Business License or Vending Site Permit if the vendor fails to comply with the VDZ vending strategy.
- 570.12 The Director shall discontinue a VDZ if:
- (a) The VDZ vending strategy fails to achieve the purpose and intent of the VDZ; or
  - (b) The Director determines that it is not in the best interest of the public to continue the VDZ, based on such factors as:
    - (1) Poor management of the VDZ;
    - (2) Unsafe conditions resulting from the VDZ; and
    - (3) Failure to follow or maintain the vending plan contained in the VDZ application.
- 570.13 Before the DCRA Director discontinues a VDZ, the DCRA Director shall provide written notice to the businesses, organizations, or agencies administering the VDZ of the intent to discontinue the VDZ and the reasons for the discontinuance.
- 570.14 Within forty-five (45) days of receiving the written notice from the DCRA Director, the businesses, organizations, or agencies administering the VDZ shall cure the identified reasons for the discontinuance of the VDZ. The DCRA Director, at his or her discretion, may extend the forty-five (45) day period for good cause.

## **571 SPECIAL EVENTS**

- 571.1 Persons who are authorized by the organizer of a licensed Special Event to vend within the boundaries of a licensed Special Event may vend without a Vending Business License or Vending Site Permit.
- 571.2 A vendor authorized to vend within the boundaries of a licensed Special Event area shall comply with all applicable laws and regulations regarding the registration of vendor's business with the Office of Tax and Revenue and DCRA and shall comply with any standards imposed by DOH or other relevant agencies.

**SUBCHAPTER F: STREET PHOTOGRAPHY****572 STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS**

572.1 A vendor holding a Vending Business License for street photography (and each individual working as an employee or independent contractor of the vendor) shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph either at the time of the purchase of the photograph or within a time period specified on a card handed to the person at the time of the taking of the photograph.

572.2 The card required by § 572.1 shall contain the following:

- (a) The name of the vendor;
- (b) The name of the employee or independent contractor (if any) taking the photograph;
- (c) The vendor's Vending Business License Number;
- (d) The employee's or independent contractor's Vendor Employee Identification Badge number;
- (e) The telephone number of the vendor; and
- (f) The time period within which the photograph shall be delivered and a statement that if the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.

572.3 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.

**SUBCHAPTER G: SOLICITING****573 SOLICITING: GENERAL PROVISIONS**

573.1 No person shall solicit any person from a street, sidewalk, or other public space, or in any way interfere with the free passage of any person along any street, sidewalk, or other public space, for the purpose of inducing that person to do any of the following:

- (a) Buy any merchandise, food, or service;
- (b) Patronize any hotel, motel, inn, or boarding house; or
- (c) Patronize any place of entertainment or amusement.

- 573.2 No person shall solicit any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and permitted to do so by the Mayor.
- 573.3 No person shall, on any public highway in the District, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided for in Title 18 of the DCMR.
- 573.4 No person shall remain in front of or enter any store or vending business where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person who may be in front of or who may have entered the store or vending business for the purpose of buying.
- 573.5 Unless issued a valid Class D Vending Business License or engaged in a transaction with a Class D Vending Business Licensed vendor, no person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District for any sightseeing bus tours of any kind.
- 573.6 Class D Vendors may only buy or sell tickets in areas designated for that specific purpose, pursuant to § 573.7.
- 573.7 Class D license holders who provide sightseeing bus services are authorized to vend from public space within ten feet (10 ft.) of a sign designating a stop of the sightseeing bus for which the person is selling tickets; provided, that the sign has been permitted and approved by the DDOT Director pursuant to § 3306 of Chapter 33 of Title 24 of the DCMR. No structure or fixture, including “A” frame signs, podiums, kiosks, or any other material, whether temporary or permanent, shall be placed in public space.

#### **SUBCHAPTER H: MISCELLANEOUS PROVISIONS**

#### **574 VENDING DEPOT REQUIREMENTS**

- 574.1 Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to a vendor in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR:
- (a) Storage of the vending vehicle or cart;
  - (b) Food preparation, including approved food handling areas, as needed;
  - (c) Proper storage of inventory, such as food, utensils and supplies;
  - (d) Basic maintenance and cleaning, including:

- (1) Hot and cold water;
- (2) Sloped and properly drained cleaning area;
- (3) Potable water; and
- (4) Electrical outlets; and

(d) Proper disposal of trash and food waste, such as garbage and liquid.

574.2 The operator of a vending depot shall maintain a ledger that includes current information on the name, license number, and address of each vendor and supplier doing business with the operator. This ledger shall be made available during regular business hours for inspection by any duly authorized District government agent in accordance with § 3701, Subtitle A of Title 25 of the DCMR.

574.3 The operator of a vending depot may offer additional services to a vendor, such as the wholesale sale of food or beverages or towing services; provided, that the vending depot shall not require that a vendor accept any additional services as part of the contract to provide the minimum services set forth in § 574.1.

574.4 The operator of a vending depot shall:

- (a) Comply with all applicable laws and regulations regarding registration of the person's business with the Office of Tax and Revenue and DCRA;
- (b) Obtain all necessary business licenses from DCRA; and
- (c) Comply with the Subtitle A of Title 25 of the DCMR and all applicable standards imposed by DOH or other relevant agencies.

## **575 PENALTIES**

575.1 A person violating any provision of this chapter may be issued a civil infraction pursuant to Chapter 33 of Title 16 of the DCMR.

575.2 A fine imposed under this section shall be imposed and adjudicated pursuant to Titles I—III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01, *et seq.* (2007 Repl. & 2012 Supp.)).

575.3 Any fines issued pursuant to this section may be in addition to the revocation or suspension of a vendor's Vending Business License or Vending Site Permit.

## **576 SEVERABILITY**

576.1 If any provision of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance, the validity of the remainder of the provisions

of this chapter, and the application of any provision in any other circumstance, shall not be affected; and to this end, the provisions of this chapter shall be severable.

## **599 DEFINITIONS**

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Central Vending Zone** – the area delineated by the boundaries listed in § 526.1.

**Clean Hands Certification** – the certification required by the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861, *et seq.* (2012 Supp.)).

**Coordinating Agencies** – the several District agencies identified in § 570.4.

**Coordinating Agency** – any of the Coordinating Agencies.

**DCRA Director** – the Director of the Department of Consumer and Regulatory Affairs.

**DCRA** – the Department of Consumer and Regulatory Affairs.

**DCRA Business Licensing Center** – the Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Second Floor, Washington, D.C. 20024.

**DDOT** – the District Department of Transportation.

**DDOT Director** – the Director of the District Department of Transportation.

**DOH** – the Department of Health.

**DOH Director** – the Director of the District Department of Health.

**FEMS** – the District of Columbia Fire and Emergency Medical Services Department.

**Fire Chief** – the Chief of the District of Columbia Fire and Emergency Medical Services Department.

**Fire Marshal** – the Fire Marshal of the District of Columbia Fire and Emergency Medical Services Department.

**Fixture** – any District government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.

**Food** – any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum as defined in the Food Code.

**Food Code** – Subtitle A (Food and Food Operations) Title 25 of the District of Columbia Municipal Regulations.

**Ice cream vending vehicle** - a vending vehicle, vending cart, or vending stand from which pre-packaged ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for the purposes of vending in public space.

**Metrobus Stop Zone** – that area of the public roadway specifically designated for the exclusive use of Metrobus in loading and unloading passengers.

**Mobile Roadway Vendor** - a vendor who operates a vending business in locations, pursuant to the requirements of §§ 533 through 536, while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

**Mobile Roadway Vending location** – A vending location containing at least three parking spaces, and designated by appropriate signage.

**Mobile Roadway Vending vehicle** – A self-propelled vending vehicle.

**MPD** – the Metropolitan Police Department.

**MPD Chief** – the Chief of the Metropolitan Police Department.

**Nationals Park Vending Zone** – the Vending Locations designated in § 529.1.

**Neighborhood Vending Zones** – any of the several areas delineated by the boundaries in § 528.1.

**Old Georgetown** – the area delineated by the boundaries in § 527.1.

**Old Georgetown Vending Zone** – the area designated by § 527.2.

**Person** – any individual or business entity.

**Public and private market** – a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site. The terms “public market” and “private market” may include a farmers market, flea market, antiques market, or other similar type of market.

**Public space** – all publicly-owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.



**Registered agent** – any person who maintains a residence or business address in the District of Columbia and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor.

**Roadway vendor** – a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

**School day** – the period from 9:00 a.m. to 3:00 p.m. on a regular instructional day during the school year of the District of Columbia Public Schools, as defined in DCMR Title 5, Subtitle E, § 305.

**Sidewalk vendor** – a vendor at a sidewalk Vending Location who engages in business while occupying a portion of the public right of way other than that reserved for vehicular travel.

**Special Event** – an activity, such as shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location on public space and authorized by the Mayor, pursuant to D.C. Official Code § 47-2826 (2005 Repl.).

**Stationary roadway vendor** – a vendor who operates a vending business while occupying a fixed location with a valid vending site permit in an assigned roadway vending location as designated in § 531;

**Street photography** – the business of operating on public space and taking photographs, for profit or gain, of any person or persons upon public space with the intent to immediately, or within a reasonably brief time, deliver the photograph to the purchaser.

**VDZ** – shall have the same meaning as a Vending Development Zone.

**Vending business** – a business venue for the vending of food, products, services, or merchandise and operated by a licensed vendor.

**Vending Business License** – the basic business license with a vending endorsement issued by the Department of Consumer and Regulatory Affairs.

**Vending cart** – a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk Vending Location, and from which food, products, merchandise, or services are intended to be vended.

**Vending depot** – any business that supplies vendors with merchandise, products, or food items, or that, for a fee, stores, services or maintains vending stands, carts, or vehicles.

**Vending Development Zone** – a specific vending area created pursuant to § 570.

**Vendor Employee Identification Badge** – the badge issued by the Director of the Department of Consumer and Regulatory Affairs to a person employed by a licensed vendor pursuant to § 564.

**Vending establishment** – the actual structure that will constitute the means by which a vendor will offer goods or food for sale to the public, including vending vehicles, vending stands, and vending carts.

**Vending Location** – any of the locations in the public space identified by the Director of the District Department of Transportation as being suitable for vending.

**Vending Site Permit** – the permit issued by the Director of the Department of Consumer and Regulatory Affairs allowing for vending from the public space at a specified Vending Location.

**Vending stand** – a table or other similar approved structure used by a vendor for displaying merchandise, products, or food that is offered for sale, or offering a service in exchange for a fee.

**Vending vehicle** – a wheeled, self-contained vehicle used for the purpose of selling food, merchandise, products, or services upon the area of a street generally reserved for vehicular traffic or vehicular parking. The term “vending vehicle” may include trailers and self-propelled vehicles.

**Vendor** – any person engaged in selling goods and services exclusively from the public space and for the immediate delivery upon purchase.

**Title 17 (Business, Occupations and Professions), Chapter 5 (Basic Business License Schedule of Fees) of the DCMR is amended as follows:**

Subsection 516.1 is amended to read as follows:

- 516.1 The Director shall charge fees for business license categories with a General Business endorsement as follows:
  - (a) Charitable solicitation: \$280;
  - (b) Cooperative association: \$37;
  - (c) General business: \$200; and
  - (d) Street vendor (Class C): \$433.

**Title 16 (Consumers, Commercial Practices, and Civil Infractions), Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of the DCMR is amended by adding new Section 3313 (Vending Business License Infractions) to read as follows:**

**3313 VENDING BUSINESS LICENSE INFRACTIONS**

3313.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 24 DCMR § 502.1 (failure to have and maintain general license requirements);
- (b) 24 DCMR §§ 503.3(f), (g), (h), and (i) (selling alcohol, drugs, controlled substances, or drug paraphernalia);
- (c) 24 DCMR § 507.1 (suspension or revocation of license for the enumerated violations);
- (d) 24 DCMR § 512.1 (suspension or revocation of vending site permit for the enumerated violations);
- (e) 24 DCMR § 516 (suspension or revocation of Mobile Roadway vending site permit for the enumerated violations);
- (e) 24 DCMR § 535.1 (vending in an unauthorized roadway vending location);
- (f) 24 DCMR § 541.1 (vending from an unauthorized public market);
- (g) 24 DCMR § 541.2 (managing a public market without a Class C vending business license);
- (h) 24 DCMR § 551.2 (vending after the expiration of a vending business license, vending site permit, or any other required license, permit, certificate or authorization); and
- (i) 24 DCMR § 562.3 (alteration, mutilation, forgery, or illegal display of any license, permit, or certificate of authority).

3313.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);
- (b) 24 DCMR § 508.4 (vending at unauthorized vending location);
- (c) 24 DCMR § 517.1 (vending without a health inspection certificate issued by the Department of Health);
- (d) 24 DCMR § 521.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);

- (e) 24 DCMR § 522.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);
- (f) 24 DCMR § 523.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);
- (g) 24 DCMR § 527.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);
- (h) 24 DCMR § 533.7 (mobile vending within 500 feet of designated MRV location);
- (i) 24 DCMR § 534.5 (vending in designated MRV location beyond the authorized hours of operation);
- (j) 24 DCMR § 538.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);
- (k) 24 DCMR § 539.9 (transfer of roadway vending lottery registration or roadway vending location assignment);
- (l) 24 DCMR § 540 (mobile vending in an unassigned designated MRV location);
- (m) 24 DCMR § 540.5 (transfer of designated MRV location permit assignments, without approval);
- (n) 24 DCMR § 538.1 (vending in unassigned vending location);
- (o) 24 DCMR § 543 (ice cream vendor remaining in one place longer than necessary to make a sale after being approached or stopped for that purpose)
- (p) 24 DCMR § 556.1 (vending without fire extinguisher);
- (q) 24 DCMR § 556.2 (failure to adhere to propane operating standards);
- (r) 24 DCMR § 562.6 (failure to provide license, permits, or certificates to authorized District government representative);
- (s) 24 DCMR §§ 562.4 and 562.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);
- (t) 24 DCMR § 563.1 (failure of vending vehicle or cart to be registered and displaying current tags);

- (u) 24 DCMR § 571.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);
- (v) 24 DCMR § 573 (unauthorized soliciting);
- (w) 24 DCMR § 573.6 (buying or selling tickets in an area not designated for that purpose); and
- (x) 24 DCMR § 574 (vending depot operating requirements).

3313.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 24 DCMR § 552.1 (vending beyond the authorized hours of operation);
- (b) 24 DCMR § 557.1 (vending while creating a noise disturbance); and
- (c) 24 DCMR §§ 564.1, 564.3, 564.4, and 564.7 (failure to adhere to vendor employee operating requirements).

3313.4 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 24 DCMR § 503.2 (vending items not authorized under the vending business license class);
- (b) 24 DCMR § 525.1(d) (vending at unauthorized locations in the central vending zone);
- (c) 24 DCMR § 525.1(e) (vending at unauthorized locations outside the central vending zone);
- (d) 24 DCMR § 525.1(f) (vending at unauthorized vending locations);
- (e) 24 DCMR § 545 (failure to adhere to vending cart design standards);
- (f) 24 DCMR § 546 (failure to adhere to vending vehicle design standards);
- (g) 24 DCMR § 5547 (failure to adhere to vending stand design standards);
- (h) 24 DCMR § 548 (failure to adhere to food vending cart or vehicle design standards);
- (i) 24 DCMR § 549 (failure to adhere to advertising design standards);
- (j) 24 DCMR § 551.3 (vending while violating traffic or parking restrictions);

- (k) 24 DCMR §§ 553.2, 553.3, and 553.4 (placement of vending vehicles, carts, or stands);
- (l) 24 DCMR § 554 (placement of equipment and related items);
- (m) 24 DCMR § 562.1 (failure to conspicuously display all vending-related licenses, permits, and other certificates);
- (n) 24 DCMR § 565.1 (vending while failing to maintain vending location free from litter);
- (o) 24 DCMR §§ 560, 561, 562, and 563 (failure to adhere to mobile roadway vehicle operating standards);
- (p) 24 DCMR § 567 (purchase or receipt of stock in public space)
- (q) 24 DCMR § 569.1 (failure to provide updated information);
- (r) 24 DCMR § 572 (failure to adhere to street photography operating standards); and
- (s) Any provision of the vending business license regulations promulgated pursuant to the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), which is not cited elsewhere in this section.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at [DCVendingRegs@dc.gov](mailto:DCVendingRegs@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “Featured News” section on the main page.

**DEPARTMENT OF HEALTH**  
**NOTICE OF PROPOSED RULEMAKING**

The Interim Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupation Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2007 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 70 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the amendments is to clarify that in 17 DCMR § 7004.2, an "accredited program" means a Council on Social Work Education accredited program; to provide applicants that are already working toward licensure, but do not meet the requirement set forth in 17 DCMR § 7004.2 with two (2) limited exceptions by which to qualify to take the Advanced (Independent clinical social worker) exam; to properly identify the "Independent social worker" level of the national examination as the "Advanced Generalist" exam; and to properly identify the "Independent clinical social worker" level of the national examination as the "Advanced Clinical" exam; to rescind the Mandatory DC Social Work Laws and Regulations Review Course; to clarify that licensees who have been selected in the Board's random continuing education audit to submit proof of completing the required continuing education credits within thirty (30) days after being deemed served notice of being audited; to clarify that the Board will approve continuing education credits developed and taught by individual with demonstrated qualifications in the topic; and to clarify that an applicant or social worker must first be licensed in the District of Columbia before he or she can engage in the supervised practice of social work.

**Chapter 70, SOCIAL WORK, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, is amended as follows:**

**Section 7004, NATIONAL EXAMINATION, is amended as follows:**

**Subsections 7004.2 through 7004.4 are amended to read as follows:**

7004.2           Beginning January 1, 2013, an applicant seeking to take the Advanced Clinical (Independent clinical social worker) level of the national examination clinical examination shall have completed twelve (12) academic credits of clinical course work from a Council on Social Work Education accredited program with a minimum of six (6) of the twelve (12) academic credits having been obtained in a Master's of Social Work program.

7004.3           Notwithstanding Subsection 7004.2, effective from the date of publication of this regulation until January 1, 2015, an applicant that does not meet the requirements set forth in Subsection 7004.2, may apply to take the Advanced Clinical (Independent clinical social worker) level of the national examination clinical examination if the applicant:

- (a) Has completed six (6) or more academic credits of clinical course work from a Council on Social Work Education accredited program;
- (b) Has completed a Board-approved post-graduate clinical training program; and
- (c) Has completed an additional five hundred (500) hours of supervised practice hours in a clinical setting beyond the required three thousand (3000) hours of post-master’s or postdoctoral experience. For purposes of this section only, the additional five hundred (500) hours may have been obtained over a period of more than four (4) consecutive years but shall not exceed five (5) consecutive years.

7004.4 Notwithstanding Subsection 7004.2, effective from the date of publication of this regulation until January 1, 2015, an applicant that has completed less than six (6) academic credits of clinical course work from a Council on Social Work Education accredited program, may apply to take the Advanced Clinical (Independent clinical social worker) level of the national examination clinical examination if the applicant:

- (a) Has completed a Board-approved post-graduate clinical training program; and
- (b) Has completed an additional one thousand (1000) hours of supervised practice hours in a clinical setting beyond the required three thousand (3000) hours of post-master’s or postdoctoral experience. For purposes of this section only, the additional one thousand (1000) hours may have been obtained over a period of more than four (4) consecutive years but shall not exceed six (6) consecutive years.

**The current Sections 7004.3-7004.4 are renumbered as 7004.5-7004.6.**

**Subsections 7004.7 through 7004.8 are amended to read as follows:**

7004.7 The passing score on the Advanced Generalist (Independent social worker) level of the national examination shall be seventy-five (75).

7004.8 The passing score on the Advanced Clinical (Independent clinical social worker) level of the national examination shall be seventy-five (75).

**The current Sections 7004.7-7004.10 are renumbered as 7004.9-7004.12.**

**A new Subsection 7004.13 is added to read as follows:**

7004.13 The Board shall not accept any review courses or supervised practice hours



completed prior to the date of the last failed examination in satisfaction of the requirements set forth in § 7004.11 and 7004.12.

**Section 7008, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 7008.4 is amended to read as follows:**

- 7008.4 Except as provided in 7008.2, beginning with the renewal period ending July 2015, all applicants for renewal of a license shall have completed forty (40) hours of approved continuing education credit during the two (2)-year period preceding the date the license expires, which shall include:
- (a) A minimum of six (6) hours of continuing education credits in live, in-person face-to-face ethics course(s) in which the participant and presenter are physically present in the same room;
  - (b) A minimum of three (3) hours of continuing education credits in Human Immunodeficiency Virus (HIV) training or other Board-mandated topic as specified by the Board, which the Board shall give notice of at least twelve (12) months in advance of the renewal date; and
  - (c) A maximum of twelve (12) continuing education hours in independent home studies, distance learning continuing education activities, or internet courses.

**Subsection 7008.6 is amended to read as follows:**

7008.6 A licensee who is selected to participate in the Board’s continuing education audit shall, within thirty (30) days after being deemed served notice of the selection, submit proof pursuant to § 7008.13 of having completed the required approved continuing education credits during the two (2)-year period immediately preceding the date the license expires.

**Section 7009, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:**

**Subsection 7009.6(b) is amended to read as follows:**

7009.6(b) Be developed and taught by individuals with demonstrated qualifications in the topic in consultation with a licensed social worker; and

**Section 7012, SUPERVISION OF PRACTICE, is amended as follows:**

**Subsections 7012.4 through 7012.13 are amended to read as follows:**

7012.4 An applicant or social worker must first obtain licensure under the Act at the level of licensure for which he or she is qualified, in order to engage in supervised practice within the District.

**The current Subsections 7012.4-7012.13 are renumbered as 7012.5-7012.14.**

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Kenneth Campbell, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov) or (202) 442-5977.

## DEPARTMENT OF HEALTH

## NOTICE OF THIRD PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to Sections 4 and 5 of the District of Columbia Unused Pharmaceutical Safe Disposal Act of 2009, (the Act), effective March 5, 2010 (D.C. Law 18-112, D.C. Official Code §§ 48-851.03 and 48-851.04 (2012 Repl.)) and Mayor's Order 2011-90, dated May 6, 2011, hereby gives notice of the intent to take final rulemaking action to adopt the following new Chapter 5 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR), entitled "Safe Disposal of Unused Pharmaceuticals in Health Care Facilities," in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The adoption of Chapter 5, which had until now been reserved, is necessary to ensure the safe, effective, and proper disposal of unused pharmaceuticals in the District of Columbia by requiring health care facilities to dispose of unused pharmaceuticals by means other than disposing through the sewer system.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on August 19, 2011, at 58 DCR 7518. Written comments were received from the District of Columbia Hospital Association and the District of Columbia Health Care Association during the thirty (30)-day comment period. Based upon the review of the comments, additional changes were made to the proposed rulemaking in Sections 500.2, 502.2, and 599.1. The changes included extending the effective date to October 1, 2012; addressing pharmaceutical products, which are defined as controlled substances; removing the specified required elements that must be maintained regarding the disposal records; requiring that the position title of the person responsible for implementing the program be included in the healthcare facility's policies and procedures; and clarifying the definition of pharmaceutical waste.

These rules were published again in the *D.C. Register* as a proposed rulemaking on April 27, 2012, at 59 DCR 3704. Written comments were received from the District of Columbia Hospital Association and the District of Columbia Health Care Association during the thirty (30)-day comment period. Based upon the review of the comments, additional changes have been made to the proposed rulemaking in Sections 500.2, 502.1, 502.7, and 599.1. These changes include extending the effective date to July 1, 2013; permitting disposal of pharmaceutical products through recommended procedures as published by the FDA and DEA; allowing pharmaceutical waste that has been denatured to be combined with other forms of waste; and adding the definition of the term "Act" to the regulations.

Therefore, this Third Notice of Proposed Rulemaking is being published for an additional comment period of thirty (30) days from the date of publication in the *D.C. Register*.

**Chapter 5 (Safe Disposal of Unused Pharmaceuticals in Health Care Facilities) of Subtitle B (Public Health and Medicine) of Title 22 (Health) is added as follows:**

**500 GENERAL PROVISIONS AND ENFORCEMENT**

- 500.1 Effective January 1, 2011, a health care facility shall not dispose of any pharmaceutical product, used or unused, by flushing the product down a drain or by any other method that utilizes the public sewer system, except as authorized by this chapter.
- 500.2 Effective July 1, 2013, unless authorized by this chapter, a health care facility that is determined to have disposed of a pharmaceutical product by flushing the product down a drain or by any other method that utilizes the public sewer system, shall be:
- (a) Subject to a civil fine of up to one thousand dollars (\$1,000) per occurrence; and
  - (b) Required to submit to the Board of Pharmacy, or its designee, a mitigation plan designed to prevent further such occurrences within thirty (30) days of receipt of a request for the mitigation plan.
- 500.3 The Director of the Department of Health (Director), or his or her agent, shall have the right to enter upon and into the premises of any health care facility:
- (a) At reasonable times;
  - (b) After presenting proper identification; and
  - (c) For the purpose of making inspections to determine compliance with this chapter and the District of Columbia Unused Pharmaceutical Safe Disposal Act of 2009, effective March 5, 2010(D.C. Law 18-112, D.C. Official Code §§ 48-851.01, *et seq.* (2012 Repl.)) (Act).
- 500.4 An inspection or investigation conducted pursuant to this chapter and the Act may include, but shall not be limited to:
- (a) Review of policies and procedures manuals;
  - (b) Inspection of all locations within the health care facility where pharmaceuticals and pharmaceutical waste are stored; and
  - (c) Review of all records, receipts, and other documentation pertaining to the health care facility's pharmaceutical waste disposal.
- 500.5 Chapters 20 (Hospitals) and 32 (Nursing Facilities) of this subtitle shall supplement this chapter.

**501 EXEMPTED PHARMACEUTICAL PRODUCTS**

501.1 When absent of any additional additives, the following pharmaceutical products may be disposed of by flushing the product down the drain or by another method that uses the sewer system:

- (a) Sterile Water;
- (b) Dextrose solutions such as five percent (5%) dextrose in water (D5W);
- (c) Saline solutions such as nine tenths of a percent of sodium chloride (0.9% NaCl);
- (d) Lactated Ringers;
- (e) Potassium salts such as potassium chloride (KCl);
- (f) Calcium salts such as calcium chloride (CaCl) and Calcium Gluconate; and
- (g) Magnesium salts such as magnesium sulfate (MgSo4).

**502 DISPOSAL OF UNUSED PHARMACEUTICAL PRODUCTS**

502.1 Pharmaceutical products may be disposed of through:

- (a) A waste to energy program;
- (b) A pharmaceutical waste container with appropriate procedures for disposal; or
- (c) Recommended procedures as published by the FDA and DEA.

502.2 Those pharmaceutical products which are defined as controlled substances under federal or District law shall be managed in accordance with federal and District laws and regulations.

502.3 Those pharmaceutical products which are defined as hazardous waste under federal or District law shall be managed in accordance with federal and District laws and regulations.

502.4 All antineoplastic and cytotoxic drugs shall be treated as hazardous waste and managed and disposed of in accordance with the applicable federal and District laws and regulations.

- 502.5 A health care facility may choose to manage its pharmaceutical waste at a more stringent or higher level of waste management than that required under applicable District or federal laws and regulations.
- 502.6 All pharmaceutical waste shall be separated from active pharmaceutical stock and clearly labeled as “pharmaceutical waste.”
- 502.7 Pharmaceutical waste shall not be combined with other forms of waste unless the pharmaceutical waste is first denatured as recommended by both the FDA and DEA.

### **503 RECORDKEEPING**

- 503.1 The recordkeeping requirements of this section shall apply to all health care facilities, unless otherwise exempted by this chapter or the Director.
- 503.2 A healthcare facility shall maintain a complete and accurate record of its pharmaceutical waste disposal, for a period of three (3) years from the date of disposal.
- 503.3 A healthcare facility shall develop and maintain written policies and procedures for the management of its pharmaceutical waste.
- (a) These policies and procedures shall include, at a minimum, the following:
- (1) Documentation that the program has been reviewed and updated as needed not less than every two (2) years;
  - (2) The position title(s) of the person(s) within the facility responsible for program implementation; and
  - (3) Policies and procedures designed to educate facility staff and volunteers, as part of an orientation process and continuing on an annual basis thereafter, regarding proper pharmaceutical waste disposal; and
- (b) These policies and procedures may also include processes designed to minimize the creation of pharmaceutical waste, such as implementation of a pharmaceutical waste minimization program.

### **599 DEFINITIONS**

- 599.1 As used in this chapter the following terms shall have the meanings ascribed:

**Act** - District of Columbia Unused Pharmaceutical Safe Disposal Act of 2009, effective March 5, 2010 (D.C. Law 18-112, D.C. Official Code §§ 48-851.01, *et seq.* (2012 Repl.))

**Board** - District of Columbia Board of Pharmacy

**Department** - Department of Health

**Director** - Director of the Department

**Hazardous pharmaceutical waste** - a pharmaceutical product that is defined as hazardous waste under federal or District law.

**Health care facility** – a hospital, assisted living facility, nursing home, or institutional pharmacy.

**Institutional pharmacy** – that physical portion of a health care facility where drugs, devices, and other materials used in the diagnosis or treatment of injury, illness, and disease are dispensed, compounded, or distributed and pharmaceutical care is provided.

**Pharmaceutical product** – a drug or biologic for human use regulated by the federal Food and Drug Administration.

**Pharmaceutical waste** - a pharmaceutical product that is no longer suitable for its intended purpose or is otherwise being discarded, but does not include pharmaceuticals excreted from the body during normal physiological functions and medical procedures.

**Pharmaceutical waste minimization program** - a program used to identify pharmaceuticals that need to be discarded, to decrease pharmaceutical waste, and to implement more environmentally sustainable practices regarding pharmaceutical waste disposal.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Kenneth Campbell, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov) or (202) 442-5977.

**DEPARTMENT OF MENTAL HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Mental Health (“DMH”), pursuant to the authority set forth in Sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05 (2008 Repl.; 2012 Supp.)), hereby gives notice of his intent to publish an amendment to Chapter 22 (Standards for Supported Housing for Consumers) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this amendment is to ensure that all DMH consumers are assessed to determine their housing needs, if any, and to outline the supported housing programs within the Department of Mental Health. The amended chapter enumerates the responsibilities of the Core Services Agencies in assessing consumers for housing needs, establishes application and eligibility criteria for Department of Mental Health supported housing assistance, and provides requirements for the Home First Subsidy Program.

The Director gives notice of his intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Title 22-A DCMR, Chapter 22 is replaced with a new Chapter 22 to read as follows:**

**CHAPTER 22 SUPPORTED HOUSING SERVICES FOR MENTAL HEALTH CONSUMERS****2200 GENERAL PROVISIONS**

2200.1 These rules establish requirements for supported housing services provided by Core Services Agencies (CSAs) and the management of supported housing assistance programs by the Department of Mental Health (Department or DMH). The Department may further implement this rule through published practice guidelines and policies.

2200.2 Supported housing services assist adults and children with mental illness or serious mental health problems with finding and maintaining appropriate independent housing arrangements in the community. Supported housing services include mental health services and supports provided by DMH-certified mental health providers, and direct financial assistance from the Department or DMH-certified mental health provider. Support is provided through a comprehensive continuum of care that is individualized, flexible, and recovery-based. The following are examples of supported housing services:

- (a) A Core Services Agency (CSA) may provide housing to a consumer directly or through a specialty or subprovider;



- (b) DMH, a CSA, or another government agency may provide a monetary subsidy for rent on behalf of a consumer;
- (c) A CSA, either directly or through a specialty or subprovider, may assist a consumer with locating housing;
- (d) A CSA or other provider may provide mental health services and supports in the consumer’s home to assist with developing and improving activities of daily living; or
- (e) DMH or another government agency may provide funds to a business entity to develop or provide housing for consumers enrolled with DMH.

2200.3 Each business entity seeking support from DMH to provide housing or housing supports in the District of Columbia shall be a DMH-certified CSA or be affiliated with a CSA or DMH. Affiliation with a CSA or DMH shall mean that the business entity has a written agreement with a CSA or DMH, or an entity acting on behalf of DMH that describes each party’s responsibilities specific to housing.

**2201. CORE SERVICES AGENCIES RESPONSIBILITIES FOR SUPPORTED HOUSING SERVICES**

2201.1 All CSAs shall assess consumers for supported housing needs as part of the treatment plan process. This includes both the development of the treatment plan and any updates and modifications based upon the status of a consumer’s recovery. The purpose of the housing assessment is to evaluate and identify each individual consumer’s living arrangement needs. The assessment shall adhere to this regulation and any Department policies, forms and practice guidelines related to supported housing.

2201.2 Supported housing assessments shall address, at a minimum, the following factors:

- (a) Risk of homelessness;
- (b) Risk of hospitalization;
- (c) Length of time in current housing;
- (d) Whether current housing is a product of consumer’s personal choice;
- (e) Whether current living arrangement provides necessary supports for safe and successful living; and

(f) If a change in housing is needed to support safe and successful living, the community treatment strategies to get the consumer into appropriate housing.

2201.3 If a consumer has been assessed as needing housing, or as needing housing at a different level than the housing currently occupied by the consumer, the mental health provider shall assist the consumer in applying for any public benefit, financial assistance, or housing assistance program for which the consumer is eligible, including but not limited to the District of Columbia Housing Authority (“DCHA”) Housing Choice Voucher Program and other supported housing services provided by or through the Department.

2201.4 If a consumer is receiving direct housing or a supported housing subsidy pursuant to these rules directly from a CSA or other DMH-certified mental health provider and chooses to enroll with another CSA or DMH-certified mental health provider, the provider shall not require the consumer to move from the housing because of the change in providers.

2201.5 The Department shall conduct targeted compliance reviews of CSAs’ supported housing assessments at least annually and report the results to each CSA under review. The Department shall incorporate the results into the Department’s annual quality improvement plan.

2201.6 Each CSA shall maintain and keep current, at all times, a log that lists all consumers residing in each of the CSA’s DMH supported housing as defined by these rules. This information shall be available to DMH upon request. The CSA shall provide statistical data and reports related to the provision of supported housing services as requested by the Department.

**2202 HOME FIRST SUBSIDY PROGRAM FOR MENTAL HEALTH CONSUMERS**

2202.1 Sections 2202 through 2299 provide standards for implementing the Department’s Home First Subsidy Program and the Department’s housing wait list. The Home First Subsidy is a locally-funded rental voucher that is paid by the Department on behalf of qualifying consumers for community-based housing meeting the requirements of this regulation. The Home First Subsidy is subject to annual appropriations limits. When a consumer is eligible for a Home First Subsidy but there are inadequate funds to issue a voucher, the consumer may be placed on the Department’s housing wait list, subject to the requirements in Section 2206.

2202.2 Nothing in these rules shall be interpreted to mean that any subsidy provided by the Department is an entitlement. Locally-funded or administered subsidies are dependent upon the availability of funds, the needs of individual consumers, and the priority populations established by the Department.

**2203 WAIVER OF RULES**

2203.1 Upon determination of good cause, the Director may waive any provision under this chapter subject to the statutory limitations of other federal or District laws.

**2204 ELIGIBILITY CRITERIA**

2204.1 The following are the minimum eligibility requirements to apply for a Home First Subsidy through the Department:

- (a) The individual is a consumer actively engaged with a CSA or other DMH-certified provider;
- (b) The consumer is:
  - (i) eighteen (18) years of age or older and has been diagnosed with a serious and persistent mental illness as defined in Section 2299;
  - (ii) the legal guardian of a child consumer with a serious and persistent mental illness or a serious emotional disturbance, or
  - (iii) an emancipated minor consumer who has been diagnosed with a serious and persistent mental illness or a serious emotional disturbance;
- (c) The consumer is a bona fide D.C. resident;
- (d) The consumer's household income, or guardian's household income in the case of a child consumer, does not exceed the amount specified in Subsection 2204.2;
- (e) The consumer does not have any legal or equitable interest in real property;
- (f) The consumer or guardian has registered for, or has a verifiable appointment to register for, permanent housing assistance through DCHA, unless otherwise ineligible to register with DCHA or the DCHA has suspended new registrations; and
- (g) The consumer has a demonstrable need for the Home First Subsidy because no other suitable housing options are available.

2204.2 The eligible consumer's or guardian's adjusted income, as defined in Section 2299, for the sixty (60) day period immediately preceding the date of application, shall not exceed thirty percent (30%) of the Area Median Income for the Metropolitan Washington D.C. Area, as defined by the U.S. Department of Housing and Urban Development at the time of application.

2204.3 The Department may require the applicant or other household members to execute one or more authorizations to release information to verify eligibility. The release of information shall comply with D.C. Official Code § 7-1201.01 *et seq.*, and other applicable federal and local privacy laws.

2204.4 The Department's Home First Subsidy is a subsidy of last resort. The Department shall not authorize a Home First Subsidy if other permanent housing financial assistance is made available to the consumer, including, but not limited to, a Housing Choice Voucher or other federal or District housing subsidy program.

## **2205 APPLICATION PROCESS**

2205.1 Each application for a Home First Subsidy shall be submitted in a format prescribed by the Department pursuant to these rules and the Department's policies and procedures.

2205.2 Each applicant shall cooperate fully with the Department in establishing his or her eligibility, or, in the case of the applicant being a legal guardian, eligibility of the ward by providing supporting information and documentation. The application is complete when all of the information required by the Department is furnished to the Department.

2205.3 If requested by an applicant with a disability, or if the CSA or mental health provider is aware that the applicant needs assistance due to a disability, the CSA or mental health provider shall assist the applicant with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit the application.

2205.4 Upon receipt of an application, the Department shall record the date that the application is received and shall provide a dated notice of receipt to the applicant. In the event the application is incomplete and the applicant fails to complete the application within fifteen (15) business days following notification, the Department will consider the application canceled and the CSA or mental health provider and applicant must submit a new application. The Department is not responsible for processing delays due to the applicant's failure to submit required information.

2205.5 Once an applicant is determined eligible for a Home First Subsidy, and funding is available, the Department shall send a written eligibility determination to the applicant, the CSA, and a representative payee, if appropriate. The eligibility determination shall include, at a minimum:

- (a) A statement of the eligibility determination;
- (b) Written approval to search for housing;

- (c) If the subsidy is one that is attached to a specific unit, contact information and further information for assessing the unit;
- (d) The amount of financial contribution that the eligible consumer is required to contribute per month, if any; and
- (e) The contact name and telephone number of a Department representative.

2205.6 If an applicant is determined eligible, but no Home First Subsidy is available, the Department shall send a written eligibility determination to the applicant and the CSA. This eligibility determination shall include, at a minimum:

- (a) A statement of the eligibility determination;
- (b) A statement identifying the date that the eligible consumer will be placed on the waiting list; and
- (c) The contact name and telephone number of a Department representative.

2205.7 If an applicant is determined ineligible, the Department shall send a written determination of ineligibility to the applicant and the CSA. This ineligibility determination shall include, but is not limited to:

- (a) A statement of the denial of eligibility;
- (b) A statement of the factual basis for the denial;
- (c) A statement of the applicant's right to request that the Department review the determination pursuant to Section 2217; and
- (d) The contact name and telephone number of a Department representative.

**2206 WAITING LIST**

2206.1 When the Department has insufficient funds to issue new Home First Subsidies, the Department may maintain a waiting list for consumers. The Department may utilize the waiting list to manage referral of consumers to any available supported housing subsidy program.

2206.2 If the Department maintains a waiting list, the Department shall place an eligible consumer on a waiting list when:

- (a) The Department has no funds to issue any new Home First Subsidies;

- (b) No unit with an attached subsidy that meets the consumer’s specific needs is available;
- (c) No other supported housing program managed by the Department is available; or
- (d) The eligible consumer is incarcerated, or hospitalized or otherwise not available to occupy housing at the time of application.

2206.3 Subject to the Department’s priority population in Section 2207, an eligible consumer shall be placed on the waiting list in chronological order by the date the Department receives the consumer’s completed application. Placement on the waiting list does not guarantee that a consumer will ultimately receive a Home First Subsidy.

2206.4 The eligible consumer and CSA shall provide the Department with the eligible consumer’s current mailing address and telephone number while on the waiting list. Each change of address shall be reported in writing to the Department within five (5) business days of the change.

2206.5 If the eligible consumer fails to ensure the Department has the consumer’s current mailing address and telephone number and the Department needs to contact the consumer because a subsidy becomes available for the consumer’s use, the Department will make a good faith effort to contact the consumer through the consumer’s CSA. If the consumer cannot be contacted within thirty (30) calendar days of the first day of attempted contact, the Department will then contact the next person on the list for utilization of the subsidy.

2206.6 When an eligible consumer on the waiting list is notified that a subsidized housing unit or funding for a supported housing subsidy for his or her use in accordance with this chapter is now available, the Department shall re-determine the eligibility status of the consumer.

2206.7 If an eligible consumer becomes ineligible for a supported housing subsidy in accordance with the requirements of Section 2204, the consumer will be removed from the supported housing subsidy wait list. The Department will send written notice of the removal to the consumer at his or her last known address, and to the consumer’s former CSA or other mental health provider. The consumer will have a right for review of the determination of ineligibility pursuant to Section 2217.

**2207 PRIORITY POPULATIONS FOR SUPPORTED HOUSING SUBSIDIES**

2207.1 The Department shall provide the following eligible consumers with priority placement for a Home First Subsidy:

- (a) Consumers pending discharge from Saint Elizabeths Hospital;

- (b) Consumers who are chronically homeless; and
- (c) Consumers moving to a less-restrictive environment;

2207.2 Nothing in this rule otherwise prohibits the Department from authorizing priority placement on a case-by-case basis, based upon compelling circumstances, for a consumer not meeting the requirements above.

## **2208 HOME FIRST SUBSIDY PROGRAM**

2208.1 The Department may approve a Home First Subsidy in an amount equivalent to eighty percent (80%) of the 2011 Fair Market Rent Value calculated by the U.S. Department of Housing and Urban Development for the Metropolitan Washington D.C. area. An eligible consumer shall pay thirty percent (30%) of his or her adjusted income (“Total Consumer Rent Payment”) toward the total rent due under the lease. The Department may authorize an increase in the Home First Subsidy amount, subject to available appropriations.

2208.2 For each approved Home First Subsidy, the Department shall issue the housing subsidy on a monthly basis to the landlord on behalf of the eligible consumer that is equal to the rent charged by the landlord, minus the Total Consumer Rent Payment, as determined by the Department in accordance with this chapter.

2208.3 The amount of the total rent due under a lease shall not exceed the limits set by the Department pursuant to Subsection 2208.1. If utilities are included in the total rent, a higher rent may be considered for approval on a case-by-case basis.

2208.4 Rent rates established by the Department pursuant to Subsection 2208.1 shall be effective for new leases and lease renewals that occur after the effective date of this chapter.

2208.5 Subject to Section 2208.3, all utility costs, including water, gas, electric, telephone, cable, and internet access, are the consumer’s responsibility and will not be included in determining the consumer’s obligation to pay thirty percent (30%) of household income towards the monthly rent.

2208.6 If a consumer has a demonstrated need for assistance with payment of a security deposit, the Department may, subject to availability of funds, pay the security deposit on behalf of the consumer. The consumer must repay the Department in accordance with a payment plan established by the Department and documented in the Program Agreement. The Department will not assist a consumer with payment of an additional security deposit if the consumer still owes funds for assistance with a previously-paid security deposit.

2208.7 Once the Department has identified funds for a supported housing subsidy for an eligible consumer, the Department shall notify in writing the consumer, the CSA,

and the consumer's personal representative, if applicable, of the availability of the subsidy.

- 2208.8 Upon written notification by the Department of the availability of supported housing subsidy funds, the consumer will have ninety (90) days to submit a complete Home First Subsidy application package. The CSA is primarily responsible for ensuring the consumer completes and returns all required forms during the process. The Department shall make all forms for the supported housing subsidy package available to the CSAs. The Department may grant reasonable extensions upon a showing of good cause.
- 2208.9 An eligible consumer may only search for a Home First Subsidy-eligible housing after he or she receives written authorization to begin a housing search from the Department. The Department shall provide a monthly list of vacant units to the CSAs to assist consumers search for available housing with the understanding by all recipients that the list is not exhaustive and consumers and CSAs should not rely solely on the Department vacancy list to locate housing. Consumers and CSAs are encouraged to utilize other resources within the public domain to identify appropriate and available housing.
- 2208.10 The Department may approve a Home First Subsidy for an eligible consumer only after the following conditions are met:
- (a) The eligibility status and income of the consumer is re-determined by DMH to ensure the consumer remains eligible for the supported housing subsidy;
  - (b) A housing unit which complies with the requirements of this chapter is available;
  - (c) The amount of rent charged for the available unit is consistent with Section 2208.1;
  - (d) The housing unit has a valid business license and certificate of occupancy, as required by applicable District law;
  - (e) The eligible consumer and mental health provider submits to the Department a supported housing subsidy Package, which includes:
    - (i) A Program Agreement signed by the eligible consumer;
    - (ii) A Subsidy Approval Form signed by the landlord; and
    - (iii) A completed Housing Pre-Inspection Checklist.



- (f) The Department approves the supported housing subsidy approval form in writing; and
- (g) The eligible consumer, CSA or other mental health provider provides the Department with a copy of the executed lease agreement signed by the eligible consumer and the landlord.

- 2208.11 If the Home First Subsidy package is approved, the Department shall notify the eligible consumer and CSA or other mental health provider that the supported housing subsidy is approved by providing the eligible consumer a copy of the supported housing subsidy approval form signed by the Department.
- 2208.12 If the Home First Subsidy package is not approved due to missing information, the Department shall notify the eligible consumer and CSA or other mental health provider of the reason(s) for disapproval. The consumer and CSA have ten (10) business days to provide the Department a completed Home First Subsidy package. Failure to complete or supply the missing information may result in denial of subsidy and placement on the waiting list.
- 2208.13 The Department shall only issue an approved Home First Subsidy in the form of non-cash payment directly to the landlord.
- 2208.14 The Department shall only provide a Home First Subsidy for actual rent obligations incurred by the consumer in a manner consistent with this chapter.

## **2209 LANDLORD PARTICIPATION**

- 2209.01 Each landlord who agrees to accept a Home First Subsidy on behalf of an eligible consumer shall sign a Subsidy Agreement with the Department. The Subsidy Agreement shall require that the landlord:
- (a) Comply with all applicable District laws and regulations, including 14 DCMR Chapters 3 – 9;
  - (b) Enter into a lease agreement with an eligible consumer that complies with District law and the requirements of the Home First Subsidy program;
  - (c) Provide habitable housing in the District of Columbia in accordance with applicable federal and District laws relating to accessibility, health and safety, including compliance with Section 8100, “Housing Quality Standards” (“HQS”) of 14 DCMR Chapter 81;
  - (d) Agree that in the event the housing is not maintained in accordance with the HQS, the Department may exercise any available remedy including suspension, abatement or termination of the supported housing subsidy, unless the HQS breach is the responsibility of the consumer;

- (e) Hold harmless and release the Department from any and all claims, actions, judgments and attorney fees arising from any damage or necessary repairs to the unit or property;
- (f) Agree that the Department shall not pay any claim by the landlord against the tenant;
- (g) Accurately report to the Department the date of scheduled move in, move out, the contract rent of each eligible consumer, and if the eligible consumer stops paying rent, the date of the most recent rent payment;
- (h) Allow DMH or its designee to conduct annual inspections of the unit;
- (i) Make necessary repairs identified during the annual inspection, or any other repairs necessary to remedy any housing code violations, within thirty (30) days of notification, to avoid Department remedies including suspension, abatement or termination of the supported housing subsidy;
- (j) Make repairs to life-threatening HQS or other housing code violations within twenty-four (24) hours of notice to the landlord, or the Department may suspend, abate or terminate the supported housing subsidy;
- (k) Notify the Department within five (5) calendar days if the consumer is no longer living in a unit receiving the Home First Subsidy;
- (l) Accept a Home First Subsidy from the Department as late as the 15<sup>th</sup> day of each month and waive penalties and fees for late payments if received by the 15<sup>th</sup> of each month;
- (m) Not levy fines or penalties against the consumer, or take action against the consumer to terminate the tenancy, for late or non-payment of the Home First Subsidy or while the Department and the landlord are actively working to resolve verification and payment issues;
- (n) Notify the Department as well as the consumer when initiating any legal action against the consumer;
- (o) Participate in a mediation program before taking any adverse action against the consumer, if the eligible consumer also agrees to participate;
- (p) Agree that the Department, in addition to other remedies, may deduct the amount of a subsidy overpayment from any amounts due the owner, including amounts due under any other supported housing subsidy payment; and

(q) Provide the Department, upon request, with a list verifying current occupancy and tenancy status for all consumers receiving a Home First Subsidy.

2209.02 A landlord shall neither demand nor accept any rent payment from the eligible consumer in excess of the Total Consumer Rent Payment, *i.e.*, the amount approved by the Department in writing.

2209.03 A landlord who accepts a supported housing subsidy for a consumer who is no longer a tenant of the property, shall return the supported housing subsidy to the Department within fifteen (15) calendar days of receipt.

2209.04 If a landlord fails to comply with a provision of these rules, the Department and the District may exercise any of its rights and remedies under the law including recovery of overpayment, or abatement or suspension of subsidy payments.

2209.05 Nothing in this chapter shall be construed to create any legal rights, substantive or procedural, by a landlord in any matter, administrative, civil or criminal against the District. The Department's payment of a supported housing subsidy shall not be deemed to create a relationship of partnership, joint venture, or agency between the Department, consumer, and participating landlord. The Department shall not be held liable as a result of the Department's payment of a supported housing subsidy for the unit for any damage to the unit caused by the consumer.

## **2210 RECERTIFICATION**

2210.1 The Department or its designee shall recertify the eligibility status of each consumer receiving a Home First Subsidy at least annually, or whenever there is a change in the consumer's eligibility status, including change in income.

2210.2 The annual re-certification date shall be the anniversary date of the first day of the month in which the eligible consumer began receiving a Home First Subsidy.

2210.3 The Department or its designee will also examine and re-determine the eligibility status and annual income of a consumer as necessary, such as if a consumer has a change in income or in household composition prior to his or her annual re-certification date.

2210.4 The Department or its designee will examine and re-determine the Home First Subsidy payment when an increase in the rent has been proposed by the landlord and approved by the Department.

2210.5 The Department shall send written notice of the re-certification requirement and the required documentation and information and an appointment date and time for re-certification, to each eligible consumer who is receiving a Home First Subsidy

through his or her CSA, at least ninety (90) calendar days before the annual re-certification date.

- 2210.6 If the consumer fails to appear for the first appointment, a second appointment will be scheduled within the ninety (90) day period. If the consumer fails to appear for the second scheduled appointment, absent good cause, the Home First Subsidy may be terminated in accordance with Subsection 2216.
- 2210.7 Each consumer shall complete written authorizations to allow the Department to obtain information necessary to verify continuing eligibility for the Home First Subsidy.
- 2210.8 The Department shall continue providing Home First Subsidy payments during the re-certification process.
- 2210.9 If the re-certification process is not completed within ninety (90) calendar days of the re-certification date due to a delay caused by an eligible consumer, the Department will notify the consumer that the Home First Subsidy will be terminated in thirty (30) days unless the re-certification process is completed before that time.
- 2210.10 If a consumer is receiving a Home First Subsidy and the Department moves to terminate the subsidy, the Department shall provide an eligible consumer, his or her CSA and any authorized representative, written notice of the proposed termination. An eligible consumer may appeal the proposed termination pursuant to Section 2216.
- 2210.11 The Department shall provide written notification to each consumer, his or her CSA and any authorized representative if the consumer's Home First Subsidy supported housing subsidy is terminated as a result of the annual re-certification. A consumer may appeal termination of a subsidy pursuant to Section 2218.
- 2210.12 A re-certification that results in decrease in the amount of the Home First Subsidy (if applicable) shall be effective thirty (30) calendar days after written notice is provided to an eligible consumer. The Department shall provide written notification to each consumer, his or her CSA and any authorized representative, if the consumer's Home First Subsidy is decreased as a result of the re-certification. The eligible consumer may appeal the reduction in the amount of the supported housing subsidy pursuant to Section 2218.
- 2210.13 A re-certification that results in an increase in the amount of the Home First Subsidy (if applicable) shall be effective the first day of the month following the completion of the re-certification process. The Department shall provide written notification to each consumer, his or her CSA and any authorized representative, if the consumer's supported housing subsidy is increased as a result of the any re-certification.

2210.14 The Department may pursue all remedies against a consumer including recoupment and referral to the appropriate authorities for civil or criminal prosecution if it is determined that a consumer has concealed income or otherwise knowingly violated the certification requirements for the Home First subsidy or other supported housing programs.

2210.15 Consumers receiving supported housing subsidies from another source are required to comply with the recertification requirements of that program.

## **2211 CONSUMER PARTICIPATION**

2211.1 Each applicant and eligible consumer may exercise rights granted pursuant to applicable District laws and regulations, including but not limited to the Department of Mental Health Consumers' Rights Protection Act of 2001, D.C. Official Code § 7-1231.01 *et seq.*

2211.2 As a condition of receiving a supported housing subsidy, each consumer shall sign a Program Agreement that includes the following requirements:

- (a) If receiving a Home First Subsidy, maintain registration for permanent housing assistance through the DCHA (unless ineligible);
- (b) Comply with the terms of the lease as required by District law;
- (c) Provide required proof of annual income;
- (d) Attend an orientation session scheduled by the Department within the first three (3) months of occupancy;
- (e) Pay the Total Consumer Rent Payment (if applicable) for which he or she is responsible;
- (f) Permit the CSA or other mental health provider access to his or her housing unit on a monthly basis as required for completing a Housing Safety/Quality Checklist and Home Visit Report pursuant to Subsection 2207.3;
- (g) Notify the Department and CSA of any change in annual income or household composition within fifteen (15) calendar days of the change, so that re-certification and recalculation of the Home First Subsidy (if applicable), if necessary, can occur pursuant to Section 2210;
- (h) Report any damages or problems in the housing unit to the landlord and CSA immediately after occurrence;

- (i) Refrain from illegal activities or other acts that endanger the health or safety of the consumer or any other individual on the premises;
- (j) Maintain the unit in a clean, safe, and habitable condition;
- (k) Provide to the Department and the landlord at least thirty (30) calendar days in advance, a written notice of intent to terminate a lease or relocate from the premises;
- (l) Absent a written waiver from the Department, maintain enrollment with a CSA or other mental health provider while receiving a supported housing subsidy; and
- (m) Notify his or her representative payee of eligibility for and receipt of an supported housing subsidy, if applicable.

2211.3 The consumer is not responsible for payment of the portion of the rent owed to the Landlord that is to be paid through the Home First Subsidy as enumerated in the subsidy approval between DMH and the landlord.

2211.4 Each consumer shall be responsible for damages he or she causes to a unit or any common area, in accordance with the terms of the lease. Damages do not include normal wear and tear.

2211.5 If the consumer is receiving a supported housing subsidy other than the Home First Subsidy, the consumer must also comply with all of the requirements of that particular subsidy program.

**2212 ELIGIBLE UNITS**

2212.1 The Department may only provide a supported housing subsidy for units that comply with this section, and 14 DCMR Chapters 3 - 9 as applicable.

2212.2 The following units shall not be eligible for a Home First Subsidy:

- (a) Units that do not comply with 14 DCMR Chapters 3 - 9;
- (b) Units in which the consumer, consumer’s personal representative, or consumer’s family member has a legal or equitable interest;
- (c) Units owned by Department employees, employees of the Department’s designee, or employees of any organization or entity that has administrative responsibility for the supported housing subsidy;
- (d) Units owned by an individual employee of a CSA or a mental health provider in the DMH network;

- (e) Units on the grounds of educational institutions or units that are available only to students, staff or faculty of an educational institution;
- (f) Any unit where a consumer has no actual or legal responsibility to pay rent; and
- (g) Nursing homes.

2212.3 Additionally, supported housing subsidy programs other than the Home First Subsidy program may be limited to units with additional requirements.

**2213 VOLUNTARY RELOCATION IF RECEIVING A HOME FIRST SUBSIDY**

2213.1 To request relocation to another housing unit while receiving a Home First Subsidy, an eligible consumer shall submit a written request for relocation to his or her assigned CSA, other mental health provider, or Department.

2213.2 The Department may provide written approval of an eligible consumer’s request to relocate with a Home First Subsidy only if:

- (a) The request was submitted for approval before relocating;
- (b) The consumer has not yet relocated;
- (c) The consumer is not in arrears of the lease, unless there are housing code violations as determined by DCRA or by a court in the current housing unit;
- (d) The consumer will not incur penalties under the lease, or has reached an agreement with the landlord for the relocation;
- (e) The unit is not damaged or in need of repairs beyond normal wear and tear due to the consumer’s actions;
- (f) The rental amount for the new unit is consistent with the Department’s rates in accordance with Subsection 2208.1; and
- (g) The Home First Subsidy recipient is in good standing and is not currently in violation of any obligations under this chapter.

2213.3 The Department may waive the requirements above upon a showing of good cause.

**2214 TEMPORARY ABSENCES**

- 2214.1 If an eligible consumer is absent from the unit for more than thirty (30) calendar days, he or she shall provide notification to the Department, CSA or other mental health provider as soon as possible, but no later than the thirtieth (30th) day of his or her absence.
- 2214.2 Upon receiving proper notification of an absence, the Department may continue to provide a Home First Subsidy during a temporary absence of up to ninety (90) calendar days, if the absence is a result of:
- (a) Short-term placement in an assisted living facility, nursing home or mental health facility;
  - (b) Short-term inpatient treatment;
  - (c) Incarceration;
  - (d) Family emergency; or
  - (e) Other circumstances for which the Director has determined that the absence is necessary or appropriate.
- 2214.3 The Department may approve in writing an extension of no more than thirty (30) additional days of absence on a case by case basis.
- 2214.4 The Department may terminate a Home First Subsidy if:
- (a) The Department does not receive notification of a temporary absence of more than thirty (30) days from a housing unit;
  - (b) The absence is for a period of time beyond ninety (90) calendar days, or the date a Department approved extension expires; or
  - (c) The absence does not result from the conditions set forth in Subsection 2217.2.
- 2214.5 The Department shall provide written notification at least sixty (60) days before termination to each consumer whose Home First Subsidy is subject to termination pursuant to Subsection 2216. A consumer may appeal a written notice of termination of a subsidy pursuant to Section 2218.
- 2214.6 Consumers who receive a supported housing subsidy other than a Home First Subsidy are subject to the requirements of that particular subsidy program for temporary absences.

**2215 EVICTIONS AND LEASE TERMINATIONS BY LANDLORDS**



- 2215.1 Landlords receiving a supported housing subsidy may only terminate a program participant's tenancy in accordance with lease terms and applicable District law.
- 2215.2 The Department may terminate Home First Subsidy payments to the landlord when the tenancy is terminated by the landlord in accordance with the lease and applicable District law. The consumer remains a program participant unless and until the Department terminates the Home First Subsidy pursuant to Section 2216.

## **2216 TERMINATION OF ASSISTANCE**

- 2216.1 If a consumer is receiving a supported housing subsidy other than a Home First Subsidy pursuant to this chapter, the program owner of the subsidy will determine when and under what circumstances a consumer's subsidy assistance may be terminated.
- 2216.2 The Department may terminate a Home First Subsidy for any of the following reasons:
- (a) The consumer no longer meets the Home First Subsidy eligibility requirements described in this chapter;
  - (b) The consumer was offered a Housing Choice Voucher Program voucher or other permanent housing assistance through any other federal or District program or private source that allows choice in where the consumer may live;
  - (c) The consumer was offered and accepted other permanent housing assistance through any other federal or District program or private source;
  - (d) The consumer failed to permit the CSA or other mental health provider to conduct an in-home visit to his or her housing unit as required for completing a Housing Safety/Quality Checklist and Home Visit Report;
  - (e) The consumer fraudulently misrepresents eligibility for assistance, annual income, or other information, with the intention of obtaining unauthorized assistance;
  - (f) The consumer is absent from the unit, as set forth in Subsection 2214 or no longer resides in the unit, including situations in which the consumer relocates from his approved unit without prior approval from the Department;
  - (g) The consumer is evicted from an approved unit more than once while receiving a supported housing subsidy;

- (h) The consumer voluntarily withdraws from the Home First Subsidy program; or
- (i) The death of a consumer.

- 2216.3 The Department shall provide a consumer written notice of Home First Subsidy termination, effective sixty (60) calendar days from the date the Department issues the notification. A consumer may appeal a written notice of termination pursuant to Section 2218, or file a grievance in accordance with Title 22A, District of Columbia Municipal Regulations, Chapter 3.
- 2216.4 Termination of the subsidy is effective no later than the first of the month following the consumer's death.
- 2216.5 If the Department suspects fraud, it will refer the case to the proper authorities for investigation.
- 2216.6 If a consumer's Home First Subsidy is terminated, he or she may re-apply for the in accordance with Section 2205, and upon determination of eligibility will be placed on the waiting-list pursuant to Section 2206.

## **2217 RIGHT TO REVIEW**

- 2217.1 The Department may afford a consumer the opportunity to seek review of the Department's decision to deny eligibility for a supported housing subsidy.
- 2217.2 A consumer may request a review within fifteen (15) business days of the Department's denial of eligibility.
- 2217.3 Each request for a review shall contain a concise statement of the reason why the consumer should be determined eligible to receive a supported housing subsidy, with supporting documentation, if available.
- 2217.4 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the consumer's request.
- 2217.5 The Director shall issue a written decision which sets forth his or her evaluation and resolution of the denial and describes the actions required of the Department and actions required of the consumer in implementing the decision.

## **2218 RIGHT TO A HEARING IF RECEIVING A HOME FIRST SUBSIDY**

- 2218.1 A consumer who is receiving a Home First Subsidy may request a hearing, meeting the requirements of the D.C. Administrative Procedure Act, from the

Department within thirty (30) business days of receiving written notice of reduction, suspension or termination of a supported housing subsidy.

- 2218.2 A timely request for a hearing shall automatically stay the Department's decision to reduce, terminate or suspend a Home First Subsidy pending the completion of a hearing.
- 2218.3 Each request for a hearing shall contain a concise statement of the reason why the supported housing subsidy should not be reduced, terminated or suspended.
- 2218.4 During the course of the hearing, the consumer shall have the right to:
- (a) Present any testimony, witnesses or other evidence, both orally and in writing;
  - (b) Cross-examine any witness presented by the Department; and
  - (c) Be represented by counsel, a relative, or other authorized personal representative at the consumer's expense.
- 2218.5 The recommendation of the hearing officer shall be issued in writing within thirty (30) business days of the hearing and shall include findings of fact based exclusively on evidence presented at the hearing and conclusions of law.
- 2218.6 The Director shall review the recommendations of the hearing officer and render a final decision within fifteen (15) business days of receiving the hearing officer's recommendations. The Director shall describe the actions required of the Department and actions required of the consumer in implementing the decision.
- 2218.7 The Director may overrule the hearing officer in instances where he or she does not agree with findings, conclusions or recommendations presented for decision. In such cases, the reasons for the Director's decision shall be specified in writing.

## **2299 DEFINITIONS**

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Actively Engaged” – a consumer is provided mental health rehabilitation services from a CSA or other DMH-certified mental health provider at least once every thirty (30) days pursuant to a treatment plan.

“Adjusted Income” – as defined in Title 14 DCMR Subsection 6099.1.

“Annual Income” – as defined in Title 14 DCMR Subsection 6099.1.

“Consumer” – adult, child or youth who seeks or receives mental health services or mental health supports funded or regulated by the Department.

“Core Services Agency” or “CSA” – a DMH-certified community-based mental health provider that has entered into a Human Care Agreement with DMH to provide specified mental health rehabilitation services.

“Director” – the Director of the District of Columbia Department of Mental Health.

“Department” – the District of Columbia Department of Mental Health.

“Homeless consumer” – an individual that meets the definition of consumer above and:

- (a) Lacks a fixed, regular, and adequate nighttime residence; or
- (b) Has a primary nighttime residence that is:
  - (i) a supervised, publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or
  - (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- (c) Is institutionalized with no home to return to upon discharge.

“Landlord” – any person who, alone or jointly or severally with others, meets either of the following criteria:

- (a) Has legal title to any building arranged, designed, or used (in whole or in part) to house one or more habitations; or
- (b) Has charge, care, or control of any building arranged, designed or used (in whole or in part) to house one or more habitations, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Ms. Laressa Poole at 64 New York Avenue, N.E., 3rd Floor, Washington, D.C. 20002 or [Laressa.Poole@dc.gov](mailto:Laressa.Poole@dc.gov). Copies of the proposed

rules may be obtained from [www.dmh.dc.gov](http://www.dmh.dc.gov) or from the Department of Mental Health at the address above.

**DEPARTMENT OF PUBLIC WORKS**  
**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Public Works, pursuant to the authority set forth in Section 2(c) of the District of Columbia Solid Waste Disposal Act of 1989, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4155), as amended by Section 6012 of the Solid Waste Disposal Cost Recovery Act of 2007, effective September 18, 2007 (D.C. Law 17-20; 54 DCR 7052) and Section 2 of the Solid Waste Disposal Fee Amendment Act of 2008, effective March 21, 2009 (D.C. Law 17-322; 56 DCR 7052), and Mayor's Order 2005-123, dated August 29, 2005, hereby gives notice of the intent to adopt the following rulemaking to amend Chapter 7 (Solid Waste Control) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking will establish the fee-setting formula and actual fee for recyclable food waste disposed of at a District trash transfer station. The Department of Public Works is implementing a pilot program to provide food waste transfer services, at one of the District's trash transfer stations, to encourage commercial solid waste haulers who collect food waste from businesses to compost the food waste. This pilot will improve city-wide recycling efforts and provide local composting options to businesses in the District of Columbia.

Final rulemaking action shall not be taken in less than fifteen (15) days after date of publication of this notice in the *D.C. Register*. This reduced period of review has been adopted for good cause. The proposed rule will provide a benefit to the public because it will expand the services available at the District's transfer stations and encourage expanded composting of waste, which will reduce the amount of waste disposed of at landfills and provide a benefit to the public. Notice of the composting service at the District's transfer station has been provided to parties identified as having an interest in hauling compostable waste. The parties will also have an opportunity to attend an informational meeting regarding the District's new composting program.

**Chapter 7, SOLID WASTE CONTROL, of Title 21, WATER AND SANITATION, of the DCMR is amended as follows:**

**Section 719, SOLID WASTE DISPOSAL FEE-SETTING FORMULAS, is amended by adding a new Subsection 719.10 to read as follows:**

719.10 The following fee-setting formula is established for the disposal of each ton of food waste:

Solid Waste Disposal Fee for Recyclable Food Waste=Processing cost of recyclable food waste + Recycling Surcharge

**Section 720, FEES, is amended by adding a new subsection 720.11 to read as follows:**

720.11 Beginning on April 1, 2013, the applicable fee for the disposal of recyclable food waste at the waste-handling facilities shall be sixty-two dollars and fifty-two cents (\$62.52) for each ton disposed; provided, that a minimum fee of thirty-one dollars and twenty-six cents (\$31.26) shall be imposed on each load weighing one thousand pounds (1,000 lbs.) or less.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than fifteen (15) days after the publication of this notice in the *D.C. Register*, with Christine V. Davis, General Counsel, Department of Public Works, 2000 14th Street, N.W., 6th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-046  
February 25, 2013


**SUBJECT:** Appointment – Motor Vehicle Theft Prevention Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with the Motor Vehicle Theft Prevention Act of 2008, effective July 18, 2008, D.C. Law 17-197, D.C. Official Code § 3-1353(f) (2012 Supp.), it is hereby **ORDERED** that:

1. **ANDREW FOIS**, who was nominated by the Mayor on December 03, 2012, and was approved by the Council of the District of Columbia pursuant to Resolution 19-0741 on December 18, 2012, is appointed as a Chairperson of the Motor Vehicle Theft Prevention Commission, for a term to end June 30, 2013.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-047  
February 26, 2013


**SUBJECT:** Appointment – District of Columbia Interagency Coordinating Council  
(DC ICC)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and in accordance with the Individuals with Disabilities Education Act (as amended by the Individuals with Disabilities Education Improvement Act of 2004), 20 U.S.C. §1400 *et seq.*, controlling federal regulations, and Mayor's Order 2012-49, dated April 5, 2012, it is hereby **ORDERED** that:

1. **RAESHAWN L. CROSSON** is appointed as a representative from the Office of the State Superintendent of Education, replacing Maxine M. Maloney, to the District of Columbia Interagency Coordinating Council, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
VINCENT C. GRAY  
MAYOR

ATTEST:   
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-048  
February 27, 2013


**SUBJECT:** Appointment – Health Information Exchange Policy Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with Mayor's Order 2012-24, dated February 15, 2012, it is hereby **ORDERED** that:

1. **JAMES K. COSTELLO** is appointed to the Health Information Exchange Policy Board as the representative of the District of Columbia Primary Care Association, replacing Sharon A. Baskerville, to complete the remainder of her unexpired term to end June 25, 2015.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-049  
February 27, 2013


**SUBJECT:** Appointment – Statewide Health Coordinating Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 4 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997, D.C. Law 11-191, D.C. Official Code § 44-403 (2012 Supp.), which established the Statewide Health Coordinating Council, it is hereby **ORDERED** that:

1. **RAYMOND D. MASSENBURG**, who was nominated by the Mayor on November 21, 2012 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 19-1118 on January 29, 2013, is appointed as a consumer of health care services member of the Statewide Health Coordinating Council, for the remainder of an unexpired term to end February 11, 2015.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-050  
February 28, 2013


**SUBJECT:** Appointment – Police and Firemen's Retirement and Relief Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-407, D.C. Official Code § 5-722 (2008 Repl.), it is hereby **ORDERED** that:

1. **DR. HENRY J. WYATT** is appointed as an alternate public physician member of the Police and Firemen's Retirement and Relief Board, for a term to end two years from the effective date of this order.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-051  
March 1, 2013


**SUBJECT:** Appointment – District of Columbia Child Fatality Review Committee

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04 (2008 Repl.), it is hereby **ORDERED** that:

1. **SANDRA SCHLICKER** is appointed to the Child Fatality Review Committee as the designee representative of the Office of the State Superintendent of Education and shall serve in that capacity at the pleasure of the Mayor, so long as she continues in her official capacity with the District.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-052  
March 1, 2013


**SUBJECT:** Appointment – District of Columbia Community Schools Advisory Committee

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 403 of the Community Schools Incentive Act of 2012, effective June 19, 2012, D.C. Law 19-142, D.C. Official Code § 38-754.03 (2012 Supp.), and Mayor's Order 2013-040, dated February 22, 2013, it is hereby **ORDERED** that:

- 1) **JEFFREY M. TRAVERS** is appointed to the District of Columbia Community Schools Advisory Committee as a member, representing philanthropic or business organizations.
- 2) **TERMS:** Unless otherwise removed, the terms of all Committee members shall expire in accordance with section V of Mayor's Order 2013-040, dated February 22, 2013.
- 3) **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-053  
March 4, 2013

**SUBJECT:** Amendment – District of Columbia Interagency Coordinating Council  
(DC ICC)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and in accordance with the Individuals with Disabilities Education Act (IDEA) (Pub. L. 94-142, as amended), applicable federal regulations, and Mayor's Order 2012-49, dated April 5, 2012, it is hereby **ORDERED** that:


- A. Section VI of Mayor's Order 2012-49, dated April 5, 2012, is amended to read as follows:

Members who represent the District government shall serve at the pleasure of the Mayor. Members of the DC ICC shall be appointed to three (3) year terms.

The expiration date of the first appointments made shall serve as the anniversary date for all subsequent members appointed to the DC ICC. Members appointed to fill vacancies shall be appointed for the unexpired portion of those terms.

B. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CHANGE OF HOURS AGENDA

WEDNESDAY, MARCH 13, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-12am. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-10pm, Monday through Saturday 9am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4B. SMD 4B06. *Woodward Liquor – Kay Dee Inc. T/A Blair Liquors*, 6111 Blair Road, NW. Retailer's Class A, License No.: 086912.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-12am, Monday through Saturday 9am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 7C. SMD 7C05. *Skip's Liquors, LLC T/A Skip's Beer & Wine Shop*, 405-61<sup>st</sup> Street, NE. Retailer's Class A, License No.: 078204.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Hours Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Thursday 9am-9pm; Friday and Saturday 9am-10pm. Proposed Additional Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-9pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with existing Settlement Agreement. ANC 6E. SMD 6E02. *Y.D.K. Inc. T/A Guilford Liquors*, 446 Rhode Island Avenue, NW. Retailer's Class A, License No.: 076393.
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 7am-12am; Monday through Saturday 7am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4D. SMD 4D01. *S & G Enterprises II, LLC T/A S & G Wine & Liquors*, 5421 Georgia Avenue, NW, Retailer's Class A, License No.: 088640.

5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-10pm; Monday through Saturday 9am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4B. SMD 4B06. **Metaril, LLC T/A Prego Again**, 1617 17<sup>th</sup> Street, NW, Retailer's Class B, License No.: 090326.
6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Hours Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 10am-12am. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 10am-12am; Monday through Saturday 10am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3F. SMD 3F02. **Kamus, LLC T/A Van Ness Liquors**, 4201 Connecticut Avenue, NW, Retailer's Class A, License No.: 075512.
7. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 8am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 8C. SMD 8C04. **Lideta LLC T/A Fort Carroll Market**, 3205 Martin Luther King Jr. Ave., S.E., Retailer's Class B, License No.: 091423.
8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-9pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-9pm; Monday through Saturday 9am-9pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 7A. SMD 7A06. **UNCHA Inc. T/A Wetteman's Liquor**, 3938 Minnesota Avenue, SE. Retailer's Class A, License No.: 082076.
9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 10am-9pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 10am-9pm; Monday through Saturday 10am-9pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 7E. SMD 7E02. **Bowen Enterprise Inc. T/A Bowen Liquors**, 4510 Bowen Road, SE. Retailer's Class A, License No.: 073781.

10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-12am. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-12am; Monday through Saturday 9am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4A. SMD 4A06. **6220 Georgia LLC T/A Victor's Liquors**, 6220 Georgia Avenue, NW. Retailer's Class A, License No.: 088173.
11. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 10am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 10am-10pm; Monday through Saturday 10am-10pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2A. SMD 2A07. **The Fischer Corporation T/A Riverside Liquors**, 2123 E Street, NW. Retailer's Class A, License No.: 000037.
12. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Thursday 9am-9pm; Friday and Saturday 9am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-9pm; Monday through Thursday 9am-9pm; Friday and Saturday 9am-10pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 7C. SMD 7C06. **Strand Liquors**, 605 Division Avenue, NE. Retailer's Class A, License No.: 009272.
13. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 7am-9pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 7am-12am; Monday through Saturday 7am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 5C. SMD 5C07. **Lucky 7 LLC T/A Lucky 7 Liquors**, 2317 Rhode Island Avenue, NE. Retailer's Class A, License No.: 090270.
14. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Thursday 9am-9pm; Friday and Saturday 9am-10pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 7am-12am; Monday through Saturday 7am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1B. SMD 1B01. **DK Corporation T/A Joe Caplan Liquors**, 1913 7<sup>th</sup> St., NW. Retailer's Class A, License No.: 060351.

15. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9am-12am. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 9am-12am; Monday through Saturday 9am-12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1B. SMD 1B01. *Lion's Gate Inc. T/A Lion's Fine Wine & Spirits*, 2614 Georgia Ave., NW. Retailer's Class A, License No.: 088221.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, MARCH 13 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On March 13, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case#12-251-00378 Lima Restaurant and Lounge, 1401 K ST NW B Retailer C Tavern, License#: ABRA-073817

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2. Case#13-CC-00002 Lost Society, 2001 14TH ST NW Retailer C Tavern, License#: ABRA-083420

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3. Case#12-CMP-00517(a) Wise Eats Cafe/Wiseats, 2132 WISCONSIN AVE NW Retailer D Restaurant, License#: ABRA-088282

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
AGENDA

WEDNESDAY, MARCH 13, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Tasting Permit Application. *Current Hours of Operation:* Sunday through Saturday 9am-10pm. *Current Hours of Alcoholic Beverage Sales/Service:* Sunday through Saturday 10am-10pm. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2B. SMD 2B04. *Prego Again*, 1617 17th Street NW Retailer B, Lic.#: 90326.

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2. Review of Request to Place License in Safekeeping (Store Renovation). *Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* N/A. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2B. *1500 Market*, 1500 Massachusetts Avenue NW Retailer B, Lic.#: 60717.

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3. Review of Request to Place License in Safekeeping (Not Serving Alcohol). *Current Hours of Operation:* Sunday through Wednesday 11am-2am; Thursday through Saturday 11am-2:30am. *Hours of Alcoholic Beverage Sales/Service:* Sunday through Wednesday 11am-1:30am; Thursday through Saturday 11am-/2am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 4B. SMD 4B04 *Chez Aunty Libe Restaurant*, 6115 Georgia Avenue NW Retailer DR01, Lic.#: 89030.

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4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. *Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Sunday through Thursday 5pm-1:45am; Friday and Saturday 5pm-2:45am. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Sunday through Thursday 12pm-1:45am; Friday and Saturday 12pm-2:45am. *Approved Hours of Live Entertainment:* Sunday through Thursday 6pm-1:45am; Friday and Saturday 6pm-2:45am. *Proposed Hours of Live Entertainment:* Sunday through Saturday 6pm-1:45am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with approved and amended Settlement Agreement. ANC 2F. SMD 2F02. *Number Nine*, 1435 P Street NW Retailer CT\*, Lic.#: 86354.

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Board's Agenda – March 13, 2013 - Page 2

5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. **Approved Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** Sunday 11am-11pm; Monday through Thursday 11am-12am; Friday and Saturday 11am-1am. **Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 11am-2am. **Approved Hours of Live Entertainment:** Sunday 6pm-11pm, Monday through Thursday 6pm-12am, Friday and Saturday 6pm-1am. **Approved Hours of Live Entertainment:** Sunday through Saturday 6pm-2am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2C. SMD 2C03. **Hooters of Washington, DC**, 827 7th Street NW Retailer CR03, Lic.#: 86298.

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6. Review of correspondence from Alganesh Kidane to extend current license to second floor of establishment. Pending investigative matters. Outstanding fine. Settlement Agreement. **Sunshine Bar & Lounge**, 7331 Georgia Avenue NW Retailer CR02, Lic.#: 85239.

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7. Review of Request to Place License in Safekeeping (No Premises/License Suspension). **Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service:** N/A. Pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2B. **Roadside Caterers**, 2101 Benning Road NE Caterer, Lic.#: 88358.

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8. Review of correspondence from Alireza Hajjaligoli for permission to reopen business. **Chloe (District Lounge and Grille)**, 2473 18th Street NW Retailer CR04, Lic.#: 81908.

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9. Review of correspondence from Andrew Kline requesting that Board determine portion of existing Settlement Agreement is unenforceable, in connection with a Request for Approval for Substantial Change (Hours of Operation/Sales of Alcoholic Beverages). **Policy**, 1904 14th Street NW Retailer CR03, Lic.#: 76804.

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10. Review of correspondence from Abeda Beyene requesting extension of time in which to pay fine agreed to by the parties in approved Offer in Compromise, Case No. 12-CMP-00187 **Vita Restaurant and Lounge/Penthouse Nine**, 1318 9th Street NW Retailer CT02, Lic.#: 86037.

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11. Review of letter, dated February 21, 2013, from Ryan Malkin requesting permission to give on-premise retailers an AVION tequila tap handle that costs \$60.

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Board's Agenda – March 13, 2013 - Page 3

12. Review of emails, dated February 28, 2013, from Commissioner Matt Raymond of ANC 2F providing additional information regarding the ANC's Motion for Reinstatement, which was reviewed by the Board on the February 27, 2013 Agenda. *Faces Lounge*, 1414 14th Street NW Retailer CT01, Lic.#: 90739.

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13. Review of letter, dated February 27, 2013, from My Brother's Place requesting to terminate their Settlement Agreement with the Catholic University of America, dated November 28, 2006. *My Brother's Place*, 237 2nd Street NW Retailer CR02, Lic.#: 71593.\*

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14. Review of Settlement Agreement, dated February 25, 2013 between Neighborhood Restaurant Group, LLC and the residents of the Palladium Condominium. *Neighborhood Restaurant Group, XVII, LLC*, 1323 Connecticut Avenue NW Retailer CR02, Lic.#: 90634.\*

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15. Review of comments filed by Andrew Kline on behalf of the Restaurant Association Metropolitan Washington regarding the Civil Penalty Schedule Rulemaking.

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**\* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS**

**NOTICE OF SCHEDULED MEETING**

The Board for the Condemnation of Insanitary Buildings will be holding a scheduled meeting on Wednesday, March 13, 2013 at 10:40 am. The meeting will be held at 1100 4th Street, SW, room E4302, Washington, D.C. 20024.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at [dcra.dc.gov](http://dcra.dc.gov), by clicking on the “Board for the Condemnation of Insanitary Buildings” tab on the main page.

For inquiries and meeting agenda, please call the Board for the Condemnation of Insanitary Buildings at 202-442-4332 or send an email to [vacantproperty@dc.gov](mailto:vacantproperty@dc.gov).

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF REGULAR AND SPECIAL MEETINGS**

The Construction Codes Coordinating Board will be holding its regular meeting on Thursday, March 21, 2013 at 9:30 am.

The Construction Codes Coordinating Board will be holding a special meeting on Thursday, March 28, 2013 at 9:30 am.

The Construction Codes Coordinating Board will be holding a special meeting on Thursday, April 4, 2013 at 9:30 am.

The meetings will be held at 1100 Fourth Street, SW, Fifth Floor Director's Conference Room, Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Draft board meeting agendas and Technical Advisory Group meeting schedules and agendas are available on the website of the Department of Consumer and Regulatory Affairs at [dcra.dc.gov](http://dcra.dc.gov), under the Permits/Zoning tab on the main page.

**D.C. PREPARATORY ACADEMY  
REQUEST FOR PROPOSALS****LEGAL SERVICES**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for legal services for a public charter school facility project. For a copy of the RFP, please contact Wendy Scott at [wscott@dcprep.org](mailto:wscott@dcprep.org). All proposals must be submitted by 5:00 pm on March 22, 2013.

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## REQUEST FOR APPLICATIONS

## FY 2013 Teacher Quality Improvement Grant Program

Notice of Funds Availability

The District of Columbia Office of the State Superintendent of Education (OSSE) is soliciting applications for the development and provision of professional development programs aimed at enhancing student achievement in eligible Local Educational Agencies (LEAs). The purpose of these professional development programs will be to ensure that teachers, highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the core academic subjects they teach, and build upon the skills necessary to help students master core academic subjects. The Teacher Quality Improvement Grant Program is authorized under Part A, Subpart 3 of Title II of the Elementary and Secondary Education Act of 1965 (ESEA), as amended – Teacher and Principal Training and Recruiting Fund.

**Available Funding for Awards:** The amount available for this award period is approximately \$284,468.

**Anticipated Number and Amount of Awards:** Historically, grants have ranged in the amount of \$50,000 to \$100,000.

**Award Period:** The grant period will be from the date of award until September 30<sup>th</sup>, 2014.

**Eligibility:** The Teacher Quality Improvement Grant Program is a partnership grant. An eligible application must include the following principal partners at a minimum:

- (1) a private or State IHE and the division of the institution that prepares teachers and principals;
- (2) a school of arts and sciences; and
- (3) a high need LEA.

**State Application Priority:** In alignment with the District of Columbia's Race to the Top initiatives, adoption of the State Common Core Standards, and the overall strategic vision of the Office of the State Superintendent of Education (OSSE), preferential consideration will be given to applications that address one or more of the following priorities:

1. Professional development aligned with the Common Core State Standards (CCSS) that meet the needs of LEAs in the partnership. Partnerships may also provide the following: coaching to teachers on instructional practices aligned to CCSS; curricula, lesson and unit plans aligned to CCSS; and the development of tools to ensure that interim and other local assessments are aligned to CCSS.

2. Provision of professional development that includes standards-based academic content in one or more of the top five subject areas with the highest number of non-highly qualified teachers statewide: Elementary Education; English/Reading/Language Arts; Secondary Mathematics; Secondary Sciences (General Science, Biology, Chemistry, Physics); and/or; Secondary Social Studies.
3. Programs that target a majority of teachers and/or principals in Developing, Focus, and/or Priority schools (see Attachment J for a list of schools that meet this criteria); and/or a majority of teachers rated as effective or minimally effective per the LEA's evaluation system in efforts geared to move these teachers toward earning highly effective ratings.
4. Programs that develop a corps of master educators who are proficient in using challenging State academic content standards, student academic achievement standards, and State assessments to improve instructional practices and student achievement by helping other teachers, paraprofessionals, and/or principals in low-performing schools develop this specific competency.

The Request for Applications (RFA) will be released on Friday, March 1<sup>st</sup>, 2013 and **the deadline for submission is Monday, April 22<sup>nd</sup>, 2013 at 5:00pm**. The RFA will be available on OSSE's website, [www.osse.dc.gov](http://www.osse.dc.gov), and/or by contacting the OSSE Division of Elementary and Secondary Education at (202) 741-5218.

A Pre-Application Conference will be held via online webinar on Wednesday, March 21<sup>st</sup>, 2013 from 1:30pm to 3:30pm. You may RSVP by contacting Orman Feres at (202) 741-5218 or by sending an e-mail to [orman.feres@dc.gov](mailto:orman.feres@dc.gov). Upon contacting OSSE to RSVP, prospective applicants will receive details for accessing the webinar. **It is strongly recommended that applying organizations attend the pre-application webinar.**

Prospective applicants may download a copy of the request for applications from the OSSE website at the following link:

[Download the FY 2013 SAHE Request for Applications](#)

Applicants are also encouraged to telephone or email questions to Orman Feres via telephone at 202-741-5218 or via email [orman.feres@dc.gov](mailto:orman.feres@dc.gov) or to Tanisha Brown via telephone at 202-741-5095 or via email [tanisha.brown@dc.gov](mailto:tanisha.brown@dc.gov) by **Friday, April 19, 2013**. Questions submitted after this deadline will not be identified for a response.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****OFFICE OF INNOVATION AND IMPROVEMENT (RACE TO THE TOP)****NOTICE OF FUNDS AVAILABILITY****School Improvement Grant (SIG) Program**

The District of Columbia Office of the State Superintendent of Education is soliciting applications for the purpose of awarding SIG funds to Local Education Agencies (LEAs) who demonstrate the greatest need for the funds and the strongest commitment to use the funds to provide adequate resources in order to raise substantially the achievement of students in their lowest-performing schools. School Improvement Grants (SIG), authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (Title I or ESEA), are grants to State educational agencies (SEAs) that SEAs use to make competitive sub-grants to local educational agencies (LEAs). SIG funds are used for the purpose of implementing one of the four Turnaround Models: Turnaround, Transformation, Restart, and Closure. In general, the purpose of School Improvement Grants (SIG) is to increase student achievement and teacher/principal effectiveness in the persistently lowest-achieving / newly classified "Priority" schools.

**Eligibility:** Local Education Agencies are eligible to apply who have schools identified as "Persistently Lowest Achieving" / "Priority".

**Length of Awards:** Grant awards will be made for a period of three (3) years, pending funding availability and the LEA/school's satisfactory implementation of the SIG grant guidelines.

**Available Funding for Awards:** The amount available for this award period is approximately \$4,120,284.11

**Anticipated Number of Awards:** It is anticipated that OSSE will have funding available for approximately two (2) new awards. Those awarded will join the fourteen (14) current award recipients implementing SIG requirements in fourteen (14) schools currently.

The Request for Applications (RFA) will be released on Monday, April 1, 2013, and the deadline for submission is Tuesday, April 30, 2013, at 4:00 p.m. The RFA will be available on OSSE's website, [www.osse.dc.gov](http://www.osse.dc.gov), and/or by contacting the Office of Innovation and Improvement at (202) 481-3797.

The OSSE will facilitate two (2) Mandatory Pre-Application Technical Assistance Workshops for grant applicants. Applicants are required to attend one of the two Mandatory Pre-Application Technical Assistance Workshops to be held from 1:00 p.m. to 3:00 p.m. on Friday, April 12, 2013, and Friday, April 19, 2013; LOCATION TO BE ANOUNCED. No one will be admitted once the workshop has begun and attendance will be taken at the end of the workshop. Failure to attend one of the Pre-Application Technical Assistance Workshops will disqualify an application. Pre-Registration for the Pre-Application Technical Assistance Workshops is required.

For additional information regarding this competition, please contact Dr. LeeTosha Henry, Effectiveness Manager via email at [leetosha.henry@dc.gov](mailto:leetosha.henry@dc.gov). [(202)-481-3797].

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS

FICTITIOUS BALLOT  
SPECIAL ELECTION  
DISTRICT OF COLUMBIA  
TUESDAY, APRIL 23, 2013

INSTRUCTIONS TO VOTER

1. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.
2. Use only a pencil or blue or black medium ball point pen.
3. If you make a mistake DO NOT ERASE. Ask for a new ballot.
4. For a Write-in candidate, write the name of the person on the line and darken the oval.

DISTRICT OF COLUMBIA

AT-LARGE  
MEMBER OF THE COUNCIL  
VOTE FOR NO MORE THAN ONE (1)

- CANDIDATE A
- CANDIDATE B
- CANDIDATE C
- Write-in \_\_\_\_\_

DISTRICT OF COLUMBIA

PROPOSED CHARTER  
AMENDMENT VIII

Charter Amendment: Local  
Budget Autonomy

Currently, the Home Rule Act requires affirmative Congressional action with respect to the entire District budget (both federal and local funds).

This Charter Amendment, if ratified, enacted and upheld, would permit the Council to adopt the annual local budget for the District of Columbia government; would permit the District to spend local funds in accordance with each Council approved budget act; and would permit the Council to establish the District's fiscal year.

- FOR Charter Amendment
- AGAINST Charter Amendment

The special election for At-Large Member of Council of the District of Columbia and Proposed Charter Amendment VIII, Local Budget Autonomy will be open to all registered voters in the District of Columbia.

## THE DISTRICT DEPARTMENT OF THE ENVIRONMENT

**NOTICE OF PUBLIC COMMENT PERIOD EXTENSION  
FOR  
THE DRAFT REVISIONS TO THE TOTAL MAXIMUM DAILY LOADS OF  
BACTERIA FOR WATERSHEDS IN THE DISTRICT OF COLUMBIA**

This notice is to inform all interested members of the public that the Acting Director, District Department of the Environment (DDOE), is extending the time to comment on the *Draft Revisions to the Total Maximum Daily Loads of Bacteria for Watersheds in the District of Columbia* that was public noticed in the DC Register on February 8, 2013 at 60 DCR 001393. The public comment period was originally scheduled to close on March 11, 2013. The public comment period will now close **at midnight on March 25, 2013**. DDOE and EPA will consider all relevant comments received on or before March 25, 2013 in making a final decision in this matter.

Members of the public may review copies of the draft appendices that are on file at the Martin Luther King, Jr. Library, 901 G. Street., NW, Washington, DC 20001, during normal business hours. You may also contact Mr. George Onyullo by mail at DDOE, 1200 First Street, NE, 5th Floor, Washington, DC 20002, via email ([george.onyullo@dc.gov](mailto:george.onyullo@dc.gov)), or by telephone at 202-727-6529. Copies of the draft appendices for each TMDL revision are also posted electronically at <http://ddoe.dc.gov/service/public-notices-hearings>.

The public hearing which is schedule for March 4, 2013 will be held as scheduled.



**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6277-R1 to operate one (1) existing 60 kW diesel-fired emergency generator set at the Cellco Partnership (DBA Verizon Wireless) property located at 2121 Wisconsin Ave NW, Washington DC 20007. The contact person for the facility is Pat Coby at (301) 512-2464.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6293-R1 to operate one (1) 60 kW diesel-fired emergency generator set at the Cellco Partnership (DBA Verizon Wireless) property located at 2700 Martin Luther King Jr. Avenue SW, Washington DC 20032. The contact person for the facility is Pat Coby at (301) 512-2464.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permits (#6685, #6686, #6687, #5713-R1, # 6691 and #6692) to the George Washington University to operate the listed diesel-fired emergency generator engines located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generators to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Engine Size</b>	<b>Engine Serial Number</b>	<b>Permit No.</b>
Munson Hall	2212 I Street, NW	183 kW (219 hp)	U802887J	6685
Tompkins Hall	725 23 <sup>rd</sup> Street, NW	158 kW (212 hp)	H36014	6686
Ivory Tower	616 23 <sup>rd</sup> Street, NW	474 kW (635 hp)	06R0743067	6687
Duques Hall	2201 G Street, NW	474 kW (635 hp)	2008517	5713-R1
City Hall	950 24 <sup>th</sup> Street, NW	160 kW (120 hp)	4020924	6691
Stockton Hall	720 20 <sup>th</sup> Street, NW	183 kW (219 hp)	YD51133	6692

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generators, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the units are as follows:

Munson Hall Generator:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter, PM (Total)	0.498	0.125
Sulfur Oxides (SO <sub>x</sub> )	0.00248	0.000619
Nitrogen Oxides (NO <sub>x</sub> )	7.09	1.77

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Volatile Organic Compounds (VOCs)	0.578	0.145
Carbon Monoxide (CO)	1.53	0.382

Tompkins Hall Generator:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter, PM (Total)	0.425	0.106
Sulfur Oxides (SO <sub>x</sub> )	0.00211	0.000529
Nitrogen Oxides (NO <sub>x</sub> )	6.05	1.51
Volatile Organic Compounds (VOCs)	0.494	0.123
Carbon Monoxide (CO)	1.30	0.3265

Ivory Tower Generator:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter, PM (Total)	1.30	0.325
Sulfur Oxides (SO <sub>x</sub> )	0.00647	0.00162
Nitrogen Oxides (NO <sub>x</sub> )	18.5	4.63
Volatile Organic Compounds (VOCs)	1.51	0.3785
Carbon Monoxide (CO)	3.99	0.997

Duques Hall Generator:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter, PM (Total)	1.30	0.325
Sulfur Oxides (SO <sub>x</sub> )	0.00647	0.00162
Nitrogen Oxides (NO <sub>x</sub> )	18.5	4.63
Volatile Organic Compounds (VOCs)	1.51	0.3785
Carbon Monoxide (CO)	3.99	0.997

City Hall Generator:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter, PM (Total)	0.464	0.116
Sulfur Oxides (SO <sub>x</sub> )	0.00231	0.000577
Nitrogen Oxides (NO <sub>x</sub> )	6.60	1.65
Volatile Organic Compounds (VOCs)	0.539	0.135
Carbon Monoxide (CO)	1.42	0.355

Stockton Hall Generator:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.498	0.125
Sulfur Oxides (SO <sub>x</sub> )	0.00248	0.000619
Nitrogen Oxides (NO <sub>x</sub> )	7.09	1.77
Volatile Organic Compounds (VOCs)	1.53	0.1455
Carbon Monoxide (CO)	2.03	0.382

The applications to operate the generators and the draft permits are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue two permits (#6720 and #6721) to Howard University and Howard University Hospital to construct and operate two identical diesel-fired 1,000 kW emergency generator sets to be located at Howard University Hospital, 2041 Georgia Avenue NW, Washington, DC. The contact person for the facility is Mr. Enor Williams, Director of Facilities, at (202) 865-7757.

The proposed emission limits are as follows:

- a. Emissions from each of these units shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

<b>Pollutant Emission Limits (g/kW-hr)*</b>		
NMHC+NO <sub>x</sub>	CO	PM
6.4	3.5	0.20

\*As measured according to the procedures set forth in 40 CFR 89, Subpart E.

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The maximum estimated emissions from the units (combined) are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM -Total)	0.06
Sulfur Oxides (SO <sub>x</sub> )	0.01
Nitrogen Oxides (NO <sub>x</sub> )	9.62
Volatile Organic Compounds (VOC)	0.04
Carbon Monoxide (CO)	0.40

The applications to operate the generators and the draft permits are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6710 to JBG/1600 K, L.L.C. to operate one (1) 185 kW (287 HP) natural gas emergency generator at the JBG property, located at 1600 K Street NW, Washington DC 20007. The contact person for the facility is Blair Pessetto, Property Manager at (202)808-2888.

Maximum annual potential emissions from the unit are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Particulate Matter (PM) (Total)	0.00582
Sulfur Oxides (SO <sub>x</sub> )	0.00034
Nitrogen Oxides (NO <sub>x</sub> )	2.38
Volatile Organic Compounds (VOC)	0.0687
Carbon Monoxide (CO)	0.1847

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permit and any request for a public hearing should be addressed to:

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Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

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Emissions:

Maximum emissions from the equipment, operating five hundred (500) hours per year, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Particulate Matter (PM) (Total)	0.19
Sulfur Oxides (SOx)	2.24
Nitrogen Oxides (NOx)	6.64
Volatile Organic Compounds (VOC)	0.19
Carbon Monoxide (CO)	1.52

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

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The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

<b>Emission Standards</b>	
<b>Pollutant</b>	<b>g/kW-hr</b>
NMHC+NO <sub>x</sub>	4.0
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the unit, operating five hundred (500) hour per year are expected to be as follows:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM -Total)	0.982	0.25
Sulfur Oxides (SO <sub>x</sub> )	0.917	0.23
Nitrogen Oxides (NO <sub>x</sub> )	13.95	3.49
Volatile Organic Compounds (VOC)	1.132	0.28
Carbon Monoxide (CO)	3.003	0.75

The application to operate the generator and the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue a permit (#6632) to US Navy, Joint Base Anacostia-Bolling to install and operate one (1) diesel-fired 1000 kW emergency generator set located at the Joint Deployment Operations Center (JDOC), 6000 MacDill Boulevard SW, Washington, DC. The contact person for the facility is Madina Alharazim, Installation Environmental Program Manager, at (202) 767-4497.

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

<b>Emission Standards</b>	
<b>Pollutant</b>	<b>g/kW-hr</b>
NMHC+NO <sub>x</sub>	6.4
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the unit, operating five hundred (500) hour per year are expected to be as follows:

<b>Pollutant</b>	<b>Emission Rate (lb/hr)</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM -Total)	2.95	0.74
Sulfur Oxides (SO <sub>x</sub> )	2.75	0.69
Nitrogen Oxides (NO <sub>x</sub> )	41.86	10.47
Volatile Organic Compounds (VOC)	3.4	0.85
Carbon Monoxide (CO)	9.01	2.25

The application to operate the generator and the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permits 6714 and 6715 to Verizon Washington DC Inc. to construct and operate two (2) 1,000 kW diesel-fired emergency generator sets at 2055 L Street NW, Washington, DC 20036. The contact person for the facility is Randolph Moore, P.E, Environmental Manager, at (804)772-6709.

Maximum annual potential emissions from each of the units are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Particulate Matter (PM) (Total)	0.03
Sulfur Oxides (SOx)	0.004
Nitrogen Oxides (NOx)	3.98
Volatile Organic Compounds (VOC)	0.045
Carbon Monoxide (CO)	0.37

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from each unit shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(b)(2) and 40 CFR 89.112(a)]:

<b>Pollutant Emission Limits (g/HP-hr)</b>		
NMHC+NOx	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available 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 Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. 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.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after April 8, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 010-13

February 26, 2013

VIA EMAIL TO:

xx. xxxxxx xxxxx
xxxxx xx xxxxx, xxxxxx xx xxx xxxxxxxx
x.x. xxxxxxxxxxxx xx xxxxxx xxxxxxx
xxxxxxxx.xxxxx@dc.gov

This responds to your January 31, 2013, email in which you seek guidance regarding whether you would be permitted to accept outside employment as a xxxxxxxxxxxxxxx xxxxxxxxxxxx with xxxxxxx xxxxxxx, a company that manages xxxxxxx xxxxxxxxxxx, a D.C. xxxxxxx xxxxxxx xxxxxxx.

You state that you are the xxxxx xx xxxxx at the xxxxxxxxxxxx xx xxxxxx xxxxxx (“xxx”) and that in this position you act as the xxxxxx xxxxxxxxxxxxxx xxxxxxx. You state that xx. xxxxxxx xxxxxxx, a xxx xxxxxxx xxxxxxx, also is the unpaid chair of the Board of Directors of xxxxxxx xxxxxxx (the “Board”). xx. xxxxxxx asked you if you would be interested in submitting your resume for a xxxxxxxxxxxxxx xxxxxxxxxxxxxx position with xxxxxxx xxxxxxx. The Board is responsible for approving the selection of the xxxxxxxxxxxxxx xxxxxxxxxxxxxx. You also state that xx. xxxxxxx estimates that the work you would do would require xx to xx hours per month, with an hourly rate of \$xxx to \$xxx.

In a separate telephone interview, you stated that your xxx duties include managing the xxxxxxxxxx xxxxxxx of the xxxxxxxxxx of xxx, supervising the xxx xxxxxx xxxxxxxxxxxxxx (xx) xxxxxxxxxxxxxx, responding to xxxxxx requests, and serving as a liaison between xxx and the xxxxxxxxxx xx xxx xxxxxxxxxxxxxx xx xxxxxxxxxx and the xxxxxxxxxxxxxx xxxxxxx xx xxx xxxxxx. xx. xxxxxxx supervises all xxx xxxxxxx. Both you and xx. xxxxxxx report directly to the xxxxxxxxxx, and neither of you assign work to the other. You confirmed that both you and xx. xxxxxxx are at a level xx pay grade, but you said that you believe that xx. xxxxxxx makes more money than you do.

Based upon the information you provided, your proposed outside activity is permissible. Accepting a xxxxxxxxxxxxxx position with xxxxxxxxxx xxxxxxxxxx does not, in and of itself, present a conflict of interest with your current position as xxx xxxxxx xx xxxxxx as it is unlikely that you will be in a position to influence or hinder the interests of xxx in your role as a xxxxxxxxxxxxxx xxxxxxxxxxxxxx with xxxxxxxxxx xxxxxxxxxx. If, however, you feel that a conflict of interest does arise, at any point, you must immediately recuse yourself in

writing from the applicable xxx activity. It is important that your government duties never overlap with your outside xxxxxxxxxx activities.

Because you learned of the position through xx. xxxxxx, another xxx employee who is also Chair of the Board of Directors for xxxxxxxx xxxxxxxx, and, because if you engage in the proposed outside activity you will continue to deal with xx. xxxxxx in connection with that outside activity, it is imperative that you do not create the appearance of impropriety. In this regard, as a government employee, your outside activities are restricted and informed by federal statutes as well as District laws and rules. All employees have responsibilities, codified in Chapter 18, Title 6B of the D.C. Municipal Regulations,<sup>1</sup> to which they must adhere as District employees.

Specifically, DPM § 1804, Outside Employment and Other Outside Activities, is applicable to your set of facts. DPM §1804.1 states:

*1804.1 An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee.*

Accordingly, serving as the xxxxxxxxxxxx xxxxxxxxxxxx for xxxxxxxx xxxxxxxx, especially when working with xx. xxxxxx, must not interfere with your duties at xxx. (See, DPM § 1804.1(a)). Further, you must not devote District government time or resources to work that you perform for xxxxxxxx xxxxxxxx (See, DPM § 1804.1(b)) and you cannot order other xxx employees to work on matters related to xxxxxxxx xxxxxxxx. (See, DPM § 1804.1 (c)). You also must take utmost care that all confidential information and government contacts obtained during your employment with xxx are not shared with any outside source. (See, DPM § 1804.1(f)). Obviously, your responsibilities as an outside xxxxxxxxxxxx xxxxxxxxxxxx and the activities that you will perform must not violate federal or District law. (See, DPM § 1804.1(i)).

In addition, the DPM states:

*1803.1(a) An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in or create the appearance of the following:*

- (1) Using public office for private gain;*
- (2) Giving preferential treatment to any person;*
- (3) Impeding government efficiency or economy;*
- (4) Losing complete independence or impartiality;*
- (5) Making a government decision outside official channels; or*
- (6) Affecting adversely the confidence of the public in integrity of government.*

Your primary responsibility as an employee of the District government is to uphold the public trust.<sup>2</sup> Any action performed while serving as a xxxxxxxxxxxx xxxxxxxxxxxx that is

<sup>1</sup> Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

<sup>2</sup> See, DPM § 1800.1.

adverse to your xxx duties and position may constitute a violation of the DPM.<sup>3</sup> Therefore, if you take the position as a xxxxxxxxxxx xxxxxxxxxxx, you must ensure that you do not engage in conduct that violates, or appears to violate, the provisions of DPM § 1803.1(a), listed above.

Bearing all of this in mind, I recommend under these circumstances, that xx. xxxxxx, as both a xxx employee and Chair of the Board of Directors, recuse herself from a vote of the Board of Directors to hire you for the xxxxxxxxxxx xxxxxxxxxxx position. It also would be best practice for xx. xxxxxx to recuse herself from any vote of the Board of Directors to terminate your services for the Board and/or to decide not to re-new your xxxxxxxxxxx contract, should either of those situations arise. In a recusal situation, xx. xxxxxx must notify the other members of the Board of Directors, in writing, of the nature of the conflict of interest, i.e. that you are her colleague at xxx, that she informed you of the position at xxxxxx xxxxxxxx, and that you maintain an on-going professional relationship in connection with your mutual employment at xxx.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 et seq., which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

<sup>3</sup> See, DPM §1800.3.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

**Office of Government Ethics**

**BEGA – Advisory Opinion – 011-13**

February 13, 2013

**VIA EMAIL TO:**

Hon. David Catania, Chair, Committee on Education  
c/o V. David Zvenyach, General Counsel  
Office of the General Counsel  
Council of the District of Columbia  
vzvenyach@dccouncil.us

Dear Councilmember Catania:

This responds to the letter dated February 6, 2013, sent to us on your behalf by V. David Zvenyach, General Counsel to the Council of the District of Columbia, in which you seek guidance pursuant to section 219 of the Government Ethics Act of 2011. The letter states that you recently were named Chair of the Council's Committee on Education and, since assuming that role, have been in communication with a private philanthropist concerning a legislative proposal that would be within the Committee's purview. The letter states that the private philanthropist has offered to arrange to retain counsel, at private expense, to help prepare a legislative proposal for use by you, in your capacity as Chair of the Council Committee on Education, and the Committee. The letter also states that no pecuniary or fiduciary relationship exists between you and the private parties at issue.

The offer to provide paid legal services to the Council by a private individual is, in fact, a donation and should be viewed as such. As you may be aware, Congress has enacted legislation that permits any entity of the District Government to accept and use a gift or donation from an outside source. D.C. Official Code § 1-329.01. The gift or donation must be used to carry out an authorized function or duty of the government entity. D.C. Official Code § 1-329.01(a)(B). There is also the requirement that the Mayor approve the acceptance and use of the gift, although that requirement does not apply in the case of either the Council or the District's courts. There is, however, a requirement that accurate and detailed records be kept by the entity and that such records be made available for audit and public inspection. D.C. Official Code § 1-329.01(b).

Notwithstanding the exception to Mayoral approval for the Council, I note that the Executive has in place an advanced system for considering, accepting, approving and

tracking donations. This is embodied in a Mayor's Memorandum (Mayor's Memorandum 2012-3, May 16, 2012) which provides detailed guidelines for processing donations and includes circumstances under which a donation would not be appropriate given prevailing government ethics rules. I do not believe that the Council currently has a similar system in place.

In the absence of a system for reviewing and accepting donations, I suggest that the Committee at least follow some of the Executive's practices not only to comply with the Donation statute, but to avoid government ethics pitfalls as well. For instance, the Executive requires that a donor execute a Donation Agreement. That agreement, among other things, requires the parties to acknowledge: 1) that there are no transactions pending before the District Government, nor any litigation pending against the government involving the Donor. In its application, the Donor must also certify that there is no expectation of special treatment from the District as a result of the donation, also known as a quid pro quo, and that the donation will not be used by the donor to state or imply the endorsement by the District government of a product, service, or entity. Most important, the donation must not create an apparent or actual conflict of interest, which might be the case if the donor had some interest over which the Committee or the Council has authority. This would certainly be true if either the Donor or the attorney were a registered and active lobbyist.

As long as these concerns are satisfied, the only remaining question is whether the donation is consistent with the authorized functions and duties of the Committee. The letter states that the attorney would be used to help prepare a legislative proposal. Insofar as Council Committees and their members are tasked with drafting, creating and considering legislation and legislative proposals, I see nothing problematic with accepting the services of an outside attorney to accomplish those very tasks.

There is another factor you should be aware of as well. Because this is the donation of the services of an attorney, it must also be clear that the attorney is answerable to the Committee, not to the Donor, and that the attorney will neither take direction from the Donor nor share confidential information with the Donor. It must be understood by all that the Committee is the client. Although there are separate ethics rules for attorneys who engage in this type of arrangement,<sup>1</sup> these provisions should also be set out in any donation agreement.

Accordingly, as long as accurate and detailed records of the donation of services are maintained and available for audit and public inspection, and the aforementioned government ethics concerns are satisfied, the Council Committee on Education is permitted to accept such services, paid for by a private donor, to assist it in performing its official functions.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District's Code of Conduct may be taken against you in this context, provided that you have made full and

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<sup>1</sup> See Rule 1.8(e), District of Columbia Rules of Professional Conduct.

accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing. We note that in the letter you consent to disclosure of your identity with regard to the publication of the advisory opinion in the D.C. Register and we will publish this opinion accordingly.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 012-13

February 13, 2013

VIA EMAIL TO:

xx. xxxx xxxxxxxx  
xxxx x xxxxxxxxxx  
xx xxxxx xxxxx xx xxxxxxxx  
xxxx.xxxx@dc.gov

Dear xx. xxxxxxx:

This responds to your February 4, 2013, email in which you seek guidance concerning whether you may permissibly lobby the D.C. Council on a xxx-xxxxxxx xxxxxxx matter while serving as the xxxx xxxxxx to the D.C. xxxx xxxx xx xxxxxxx.

You state that you hold a private sector job as a xxxxx xxxxx xxxxx and, as such, you have been invited to submit a proposal to lobby the D.C. Council on a xxxxxx-xxxxx matter, provide the D.C. Council with an analysis of current D.C. law on xxxxx issues, introduce the company to Councilmembers and appropriate individuals at the D.C. xxxxx xx xxxx, and provide ongoing counsel on D.C. policies that will xxxxx xxxxx projects. You have requested advice on whether you are permitted to perform these services while serving as x xxxx of the D.C. xxxxx xxxxx xx xxxxx.

Lobbyist activities in the District are governed by the Ethics Act and overseen by this Office.<sup>1</sup>

To answer your question, we must first look to the definitions of “lobbying” and “lobbyist.” Lobbying is defined as, “communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or an administrative decision.”<sup>2</sup> D.C. Official Code § 1-1161.01(32)(A). A lobbyist is “any person who

<sup>1</sup> Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 (2012 Supp.)).

<sup>2</sup> There are six exceptions to this definition, including: (i) The appearance or presentation of written testimony by a person on his or her own behalf, or representation by an attorney on behalf of any such person in a rulemaking (which includes a formal public hearing), rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor; (ii) Information supplied in response to written inquiries by an executive agency, the Council, or any public official; (iii) Inquiries concerning only the status of specific actions by an executive agency or the Council; (iv) Testimony given before the Council or a committee of the Council, during which a public record is made of such proceedings or testimony submitted for inclusion in such a public record; (v) A communication made through the instrumentality of a newspaper, television, or radio of general circulation, or a publication whose primary audience is the organization's membership; and (vi) Communications by a bona fide political party. None of these, however, apply to the situation you describe in your letter. D.C. Official Code § 1-1161.01(32)(B)(i-vi).



engages in lobbying.” D.C. Official Code § 1-1161.01(33)(A). I conclude, based upon your identification of your private sector job as a xxx xxxxx xxxxxx, as well as your description of the activities in which you seek permission to engage, that you are, in fact, a lobbyist and the proposed activity would constitute lobbying.

We then must look to the restrictions on those who are permitted to lobby. D.C. Official Code § 1-1162.31(f) states, “No public official shall be employed as a lobbyist while acting as a public official except as provided in § 1-1162.28.”<sup>3</sup> The question is whether your service as x xxxx of the xxxxx xxxx xx xxxxx is included in that definition. Indeed, not only is it included, but expressly so. D.C. Official Code § xxxxxxxxxxxxxxxxx provides that x xxxxx of the xxxxx xxxx xx xxxxxx is a public official. Therefore, during your tenure as xxxx xxxx to the D.C. xxxxxxxx xxx xxxxx, you are not permitted to be a lobbyist and/or engage in lobbying. The fact that your proposed activities are xxxx xxxx xxxx has no bearing on this restriction. As a public official you are prohibited from engaging in lobbying the District government. There is no discretion in this regard, and no provision for waiver.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. If you disagree with my conclusions, you may appeal this Advisory Opinion to the three-member Board of Ethics and Government Accountability for their consideration, D.C. Official Code § 1-1162.19(c). If you wish to do so, please let me know within 10 business days from the date of this letter so I may provide you with instructions.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. You may contact either General Counsel Stacie Pittell at 202-481-3411, or me at the same number.

Sincerely,

\_\_\_\_\_/s/  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

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<sup>3</sup> There are four exceptions, including: (1) A public official, or an employee of the United States acting in his or her official capacity; (2) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public; (3) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or (4) An entity specified in § 47-1802.01(4), whose activities do not consist of lobbying, the result of which shall inure to the financial gain or benefit of the entity (Entities specified in § 47-1802.01(4) are: Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes. D.C. Official Code § 47.1802.01(4)(A)). None of these, however, apply to the situation you describe in your letter. D.C. Official Code § 1-1162.28 (a)(1-4).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Office of Government Ethics

**BEGA – Advisory Opinion – 013-13**

February 28, 2013

**VIA EMAIL TO:**

Adrian T. Jordan  
Analyst  
Office of Councilmember Kenyan R. McDuffie, Ward 5  
AJordan@dccouncil.us

Dear Mr. Jordan:

This responds to your request for advice concerning whether there are any ethical conflicts between working on the Council and serving as an Advisory Neighborhood Commission (“ANC”) Commissioner.

You state that you currently serve as a Commissioner for ANC 5A, elected to represent Single Member District 5A03. This is a non-partisan office. You are also a staff member for Councilman Kenyan R. McDuffie, who represents Ward 5. As of Council Period 20, your office has been assigned the Committee on Government Operations, which has the Office of Advisory Neighborhood Commissions (“OANC”) under its purview. As a mitigation step, the Committee on Government Operations drafted special committee procedures that address this issue.

I have reviewed the memorandum you sent as an attachment to your request for an advisory opinion. The memorandum, titled *Committee Procedures re: Advisory Neighborhood Commissions*, is the proposed screening methodology to avoid conflicts for Councilmembers, committee employees, and personal Council staff who wish to run for or serve as an ANC Commissioner for a single-member District.

The Committee Procedures memorandum provides that the following procedures must be followed when any matter relating to oversight of the ANCs comes before a Council committee:

1. Only committee or personal staff who are not Advisory Neighborhood Commissioners will be assigned any duties related to oversight of the ANCs.

2. Any staff member assigned duties related to ANCs may not discuss the matter with committee or personal staff who are elected Commissioners<sup>1</sup>.
3. The ANC master file will be kept in my personal office away from the master files for the other agencies under our purview.
4. Matters regarding ANC oversight will not be discussed at staff meetings with any staff member who is a Commissioner present.
5. Copies of the memorandum regarding the 'Propriety of a Council employee serving as an ANC Commissioner' from the General Counsel's Office, dated August 15, 2012 will be redistributed to all committee and personal staff.

The Council Code of Official Conduct (the "Code") provides that, "No employee shall engage in outside employment or private activity that conflicts or would appear to conflict with the fair, impartial, and objective performance of the employee's official duties and responsibilities or with the efficient operation of the Council." (Code, Section II(a)(1)). Although your proposed activity technically is not private insofar as a Commissioner is a government official, Section II(a)(1) nonetheless is applicable because serving as an ANC Commissioner is outside the scope of your duties and responsibilities as a Council staff member. Moreover, simply because both functions – ANC Commissioner and Council employee – are governmental does not mean that conflicts are automatically avoided. Indeed, this is somewhat akin to attorneys who move successively from government practice to other employment and, as a result, are disqualified from matters concerning their previous government employer. The attorney ethics rules make clear that for conflicts purposes the successive employer need not be private, but could also be governmental.<sup>2</sup> This is consistent with more general conflict of interest government ethics principles that recognize the potential for conflicts even within the government, especially where, as here, one governmental entity has oversight responsibilities over another. The remedy in the case of an attorney is the same as you suggest here -- screening of the employee. In fact, the need for screening is even more compelling under your circumstances because, unlike the example of *successive* employment, the activities here are *concurrent*. Therefore, you must ensure that you abide by the guidelines set forth in the Committee Procedures Memorandum dated January 16, 2013 (attached hereto).

Based on the information provided in the memorandum, the proposed screening methodology seems adequate to avoid conflicts of interest that may arise while serving as both a Council staff member and an ANC Commissioner. The memorandum allows for Council staff to recuse themselves from any oversight matters that may directly conflict with their duties as ANC Commissioners. This is an appropriate remedy unless such recusal becomes necessary so frequently that it interferes with your ability to perform your duties as a Council staff member or

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<sup>1</sup> "In cases where exercising proper due diligence in the oversight of ANCs requires discussing the issue with a Commissioner who is a member of the Committee or Personal staff those conversations will be documented and recorded in the form of minutes, and those minutes will be kept with the ANCs file." (Committee Procedures Memorandum dated January 16, 2012).

<sup>2</sup> District of Columbia Rules of Professional Conduct, Rule 1.11 ("Successive Government and Private or Other Employment"), Comment [10].

requires so many of those duties to be performed by other staff that you are, effectively, no longer satisfying the requirements of your position and/or creating an undue burden for others. In that situation, recusal no longer will be the appropriate remedy and another, more suitable remedy, will have to be found.

You specifically mention that Councilmember McDuffie, as the Chair of the Committee on Government Operations, now has oversight of OANC. Because the Committee on Government Operations has numerous agencies under its purview, recusing yourself from matters involving one agency, OANC, does not appear likely to unreasonably interfere with your District government duties because you may be assigned to matters relating to any or all of the other agencies. This will enable you to fulfill your duties as a staff member, without placing an undue burden on others.

The Code also states that, “The information used by an employee engaging in outside employment or activities shall not draw on official data or ideas that are not public information, unless the employee has written authorization from the employee’s supervisor to use such information.” (Code, Section II(b)(2)). While serving in dual roles, you are prohibited from using non-public information procured in one role for the benefit of the other, unless expressly authorized.

As a Council staff member, you also must ensure that you do not disclose, divulge, or use confidential information, obtained during the course of your duties as a Council staff member, for activities performed while serving as an ANC Commissioner,<sup>3</sup> and vice versa. You are prohibited from engaging in ANC-related activities using Council time.<sup>4</sup> In addition, you are not permitted to use Council resources for your ANC activities, nor direct other Council employees to perform ANC-related activities during regular working hours.<sup>5</sup> Finally, as a reminder, you are not permitted to use Council resources to further your candidacy for ANC Commissioner or to support or oppose any initiative, referendum, recall measure, or candidate for elected office.<sup>6</sup>

Please note that this advisory opinion is predicated on the facts that you have provided. If you find that serving as an ANC Commissioner does, in fact, present conflicts in the future, you must immediately seek additional guidance from the Board of Ethics and Government Accountability (BEGA).

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

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<sup>3</sup> See, Code, Section VII(1).

<sup>4</sup> See, Code Section VI(a)(1).

<sup>5</sup> *Id.* at Section VI(a)(1); See also, Code Section VI(a)(2).

<sup>6</sup> See, Code Section VI(a)(4).

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so. We note that in the letter you consent to disclosure of your identity with regard to the publication of the advisory opinion in the D.C. Register and we will publish this opinion accordingly.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

Attachment: Committee Procedures Memorandum

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS**

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 12-05: Harbour Square**

1000 Vermont Avenue, NW (Square 216, Lot 800)

including the following addresses:

400 and 500 blocks, even numbers only, of N Street, SW;

400 and 500 blocks, odd numbers only, of O Street, SW; and

1400 block, odd numbers only, of 4<sup>th</sup> Street, SW

**Designated February 28, 2013**

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**HOSPITALITY HIGH SCHOOL OF WASHINGTON, DC**  
**REQUEST FOR PROPOSALS**  
**OFFICE MOVING AND RELOCATION SERVICES**

The Hospitality High School of Washington, DC (HHS) is accepting Proposals from contractors experienced in providing **Office Moving and Relocation Services**. The RFP with bidding requirements and supporting documentation can be obtained from: our website [www.washingtonhospitality.org](http://www.washingtonhospitality.org) or by calling our technology coordinator at 202-737-4150 x 340. Deadline for receiving bids is Wednesday, April 10, 2013 by 2:30 pm.

**All bids not addressing all areas as outlined in the RFPs will not be considered.**

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY  
BOARD OF DIRECTORS MEETING**

March 12, 2013  
815 Florida Avenue, NW  
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Consent Agenda Item: Approval of the admission of Edwards Wildman Palmer LLP to the Agency’s pre-qualified Bond Counsel slate.
- III. Vote to close meeting to discuss the approval of a Final Loan Resolution for the SOME Scattered Site Phase II project and loan transaction and an Eligibility Resolution for the Trinity Plaza project and bond transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body’s staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the SOME Scattered Site Phase II project and loan transaction and the Trinity Plaza project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).

- IV. Re-open meeting.
- V. Consideration of DCHFA Final Loan Resolution No. 2013-03 for the approval of the SOME Scattered Site Phase II project and loan transaction.
- VI. Consideration of DCHFA Eligibility Resolution No. 2013-04 for the approval of the Trinity Plaza project and bond transaction.
- VII. Executive Director’s Report.
- VIII. Other Business.
- IX. Adjournment.



Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
Fraternal Order of Police / Metropolitan Police Department Labor Committee,	)	
	)	PERB Case No. 12-U-16
Complainant,	)	
	)	<b>Administrative Dismissal</b>
v.	)	
	)	Opinion No. 1364
District of Columbia Office of Police Complaints,	)	
	)	
and	)	
	)	
Philip K. Eure,	)	
	)	
and	)	
	)	
Christian Klosner,	)	
	)	
Respondents.	)	
	)	

**EXECUTIVE DIRECTOR'S ADMINISTRATIVE DISMISSAL**

**I. Statement of the Case**

Complainant Fraternal Order of Police/Metropolitan Police Department Labor Committee ("Complainant" or "FOP" or "union") filed an Unfair Labor Practice Complaint ("Complaint") against the District of Columbia Office of Police Complaints ("OPC" or "Agency"), OPC Executive Director Philip K. Eure ("Director Eure"), and OPC Deputy Director Christian Klossner ("Deputy Director Klossner") (collectively "Respondents"), alleging Respondents violated the Comprehensive Merit Personnel Act ("CMPA"), D.C. Code § 1-617.04(a)(1), when they failed and refused to provide FOP with documents it had requested via an information

Administrative Dismissal  
PERB Case No. 12-U-16  
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request (Complaint at 6). In addition, FOP alleged that Respondents “failed and refused to bargain in good faith,” in violation of D.C. Code § 1-617.04(a)(5). *Id.*

In its Answer to Complaint (“Answer”), OPC denied FOP’s allegations. (Answer at 1-3). In addition, OPC raised affirmative defenses that the Collective Bargaining Agreement (“CBA”) between FOP and the District of Columbia Metropolitan Police Department (“MPD”) to which FOP cited in its Complaint does not “include [the] Respondents.” (Answer at 3). Therefore, OPC argued that “[t]here is no privity of contract between Complainant and Respondents,” and hence, OPC was “legally incapable of violating the referenced Agreement.” *Id.*

In conjunction with its Answer, OPC simultaneously filed a Motion to Dismiss Individual Respondents (“Motion to Dismiss”), contending that Director Eure and Deputy Director Klossner should be dismissed from the Complaint. *Id.* at 6. OPC contended that Deputy Director Klossner was acting in his official capacity when he responded to FOP’s information request and that the Complaint against him should be dismissed because suits brought against District officers acting “in their official capacity should be treated as suits against the District.” *Id.* at 4, 6 (quoting *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 59 D.C. Reg. 6579, Slip Op. No. 1118, PERB Case No. 08-U-19 (2011)). Furthermore, OPC argued that the Complaint against Director Eure should be dismissed because FOP did not aver an “allegation of any action taken by [Director] Eure” and that he “appear[ed] to have been named solely because he is the Director of the Agency.” *Id.* at 4, 6.

FOP later filed an Opposition to Motion to Dismiss Individual Respondents (“Opposition to Motion to Dismiss”), in which it contended that the Director Eure and Deputy Director Klossner were “proper parties to this action and should not be dismissed.” (Opposition to Motion to Dismiss at 1). Notwithstanding citing numerous older Board cases to support its contention, FOP recognized that “the Board has issued several recent orders confirming its position against naming individuals,” and asked the Board to “reconsider its position.” *Id.* at 4-5.

## II. Background

On or about November 3, 2011, FOP, through its representative, Michael Millett (“Mr. Millett”), sent an information request to Director Eure of OPC, requesting information related to OPC’s use of one-way mirrors during interviews with police officers. (Compliant, Exhibit #2). In the request, Mr. Millett stated that the request was being made pursuant to D.C. Code § 1-617.04(a)(5) and Article 10 of the Collective Bargaining Agreement (“CBA”) between “the District of Colombia and the FOP.” *Id.*

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PERB Case No. 12-U-16  
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On or about November 14, 2011, OPC Deputy Director Klossner sent a written response to FOP denying the request for information. (Complaint, Exhibit #3). In the response, Mr. Klossner noted, “[FOP is] making these requests pursuant to D.C. Code § 1-617.04(a)(5), which prohibits the District from refusing to collectively bargain in good faith with its exclusive representative, and Article 10 of the [CBA] between [the Metropolitan Police Department (“MPD”)] and FOP, which states: ‘[t]he parties shall make available to each other’s duly designated representatives ... any information, statistics and records relevant to negotiations or necessary for proper administration of the terms of the [CBA].’” *Id.* In short, OPC stated that it was denying FOP’s request for information because “there is no bargaining obligation between OPC and FOP,” and therefore, “§ 1-617.04(a)(5) is not applicable.” *Id.* Moreover, OPC contended, as it “is not a party to the CBA between MPD and FOP, it is not covered by the agreement” and “not subject to the CBA’s processes.” *Id.*

Thus, FOP filed a Complaint, arguing that D.C. Code § 1-617.04(a)(5) and its CBA with the MPD applies to all employees of the District of Columbia (“District”) because “the applicable [CBA] is between the FOP and the [District], not just the [MPD].” (Complaint at 5). Further, FOP contended that “a clear reading of the [CMPA] reveals that the [District] is the employer of all its employees”, and that therefore, “for the purposes of collective bargaining, the District is the employer.” *Id.* FOP concluded that because OPC was “created by the D.C. Council (which also created MPD and the CMPA),” an “unfair labor practice [complaint] can properly be brought against the OPC for a determination as to whether they [*sic*] violated a statutory right.” *Id.*

FOP further argued in the Complaint that D.C. Code § 1-617.04(a)(1) prohibits OPC from engaging in unfair labor practices. *Id.* FOP averred that subsection (a)(1) prohibits the District, its agents, and representatives from “[i]nterfering, restraining, or coercing any employee in the exercise of the rights guaranteed by [the CMPA].” *Id.* FOP’s argument is that the “right to request information is a statutory right, not a contractual right, and OPC[,] as an agent or representative of the District, must provide the requested information in response” to its (FOP’s) request. *Id.* at 6 (citing *American Federation of Government Employees, Local 2741 v. District of Columbia Parks and Recreation*, 50 D.C. Reg. 5049, Slip Op. No. 697, PERB Case No. 00-U-22 (2003), and *Calmat Co. and International Union of Operating Engineers, Local 12, AFL-CIO*, 331 NLRB 1084, 1094-1095 (2000) (internal citation omitted)). FOP contends that although its specific request for information “was made pursuant to D.C. Code § 1-617.04(a)(5) as well as Article 10 of the contract, the request was based upon a statutory right.” *Id.* It reasoned that because District employees have a statutory right to file a grievance, they likewise have a statutory right “to gather information in support of [a grievance].” *Id.* at 6-7 (citing *AFGE v. DC Parks and Recreation, supra*, Slip Op. No. 697, PERB Case No 00-U-22).

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Furthermore, FOP argued that statutory rights under the CMPA that are raised “in the context of the Union exercising its contractual rights” are “properly before the Board as an Unfair Labor Practice.” *Id.* at 7 (quoting *AFGE v. DC Parks and Recreation, supra*, Slip Op. No. 697, PERB Case No 00-U-22).

FOP concludes in its Complaint that under D.C. Code § 1-617.04(a)(5), OPC and its agents committed an unfair labor practice when it failed and refused to provide FOP with the “relevant and necessary information” that it requested. *Id.* (citing *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 59 D.C. Reg. 3386, Slip Op. No. 835, PERB Case No. 06-U-10 (2006)). FOP argues that because “the manner in which investigatory interviews are conducted is germane to the CBA (Article 13) and bears directly on the potential discipline that an officer can receive due to an unfavorable OPC finding,” and because OPC did not challenge the “relevance or necessity” of the information FOP requested, OPC was obligated under D.C. Code § 1-617.04(a)(5) to give FOP the information. *Id.* Hence, FOP asserts OPC committed an unfair labor practice in violation of the CMPA when it failed and refused to produce and provide the requested information. *Id.*

In its Answer, OPC rejects FOP’s contention that FOP’s CBA is binding upon OPC as an agent or representative of the District. (Answer at 1-2). OPC pointed to the express language in section 1 of the CBA’s preamble, which states, “[t]his Collective Bargaining Agreement ... is entered into between the Metropolitan Police Department ... and the Fraternal Order of Police/Metropolitan Police Department Labor Committee,” to refute FOP’s argument. *Id.* (quoting Complaint, Exhibit #1 at 1). OPC reasons that because there was “no privity of contract between [FOP] and [OPC]”, OPC was “legally incapable of violating the referenced Agreement.” *Id.* at 3.

Further, OPC contends that even if the Board finds that OPC was subject to FOP’s and MPD’s CBA, the Board would not have jurisdiction to hear the case because FOP’s allegations were strictly contractual in nature, and did not constitute violations of the CMPA. *Id.* at 4-5 (citing *Fraternal Order of Police v. District of Columbia Metropolitan Police Department*, 46 D.C. Reg. 7605, Slip Op. No. 384, PERB Case No. 94-U-23 (1999); *American Federation of State, County and Municipal Employees, Local 2921 v. District of Columbia Public Schools*, 42 D.C. Reg. 5685, Slip Op. No. 339, PERB Case No. 92-U-08 (1992); *Washington Teachers’ Union, Local 6, American Federation of Teachers, AFL-CIO v. District of Columbia Public Schools*, 42 D.C. Reg. 5488, Slip Op. No. 337, PERB Case No. 92-U-18 (1995); and *American Federation of Government Employees, Local Union No. 3721 v. District of Columbia Fire*

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*Department*, 39 D.C Reg. 8599 at 8603, Slip Op. No. 287 at p. 4, PERB Case No. 90-U-11 (1991)).

Additionally, OPC rejects FOP's arguments that OPC violated D.C. Code § 1-617.04(a)(5) when it refused to comply with FOP's information request. *Id.* at 5. OPC asserts that it could not have violated D.C. Code § 1-617.04(a)(5), which makes it an unfair labor practice to refuse "to bargain collectively in good faith with the exclusive representative," as OPC was "under no obligation to bargain with [FOP] because ... [OPC and its agents] are not signatories [to the CBA]," and there is no article of the CBA that obligates OPC to give information to FOP. *Id.*

In addition, OPC motioned the Board to dismiss FOP's complaint against Director Eure and Deputy Director Klossner. (Answer at 4, 6). As stated previously, OPC contended that Deputy Director Klossner was acting in his official capacity when he responded to FOP's information request and that the Complaint against him should be dismissed because suits brought against District officers acting "in their official capacity should be treated as suits against the District." *Id.* (quoting *FOP v. MPD, supra*, 59 D.C. Reg. 6579, Slip Op. No. 1118, PERB Case No. 08-U-19). Furthermore, OPC argued that the Complaint against Director Eure should be dismissed because FOP did not aver an "allegation of any action taken by [Director] Eure" and that he "appear[ed] to have been named solely because he is the Director of the Agency." *Id.*

Finally, OPC denies FOP's assertion that the requested information was "necessary" to FOP's ability to protect the interests of its members during OPC investigations. (Answer at 3).

In its Opposition to Motion to Dismiss, FOP contends that Director Eure and Deputy Director Klossner were "proper parties to this action and should not be dismissed." (Opposition to Motion to Dismiss at 1). FOP recognizes that "the Board has issued several recent orders confirming its position against naming individuals," but asks the Board to "reconsider its position." *Id.* at 4-5.

### III. Analysis

#### A. Individual Respondents

The Board's position regarding the naming of individual respondents is clear. Suits against District officials in their official capacities should be treated as suits against the District. *Fraternal Order of Police/Metropolitan Police Dep't Labor Comm. v. D.C.*

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*Metropolitan Police Dep't*, 59 D.C. Reg. 6579, Slip Op. No. 1118 at p. 4-5, PERB Case No. 08-U-19 (2011). Moreover, the D.C. Superior Court recently upheld the Board's dismissal of such respondents in *Fraternal Order of Police/Metropolitan Police Dep't Labor Comm. v. D.C. Public Employee Relations Board*, Civ. Case No. 2011 CA 007396 P(MPA) (D.C. Super. Ct. Jan 9, 2013). *Nota bene*, FOP filed this action prior to the decisions in the aforementioned cases. Henceforth, however, FOP must not name individuals acting in their official capacities as respondents in actions it brings before the Board. Therefore, OPC's motion to dismiss Director Eure and Deputy Director Klossner from the Complaint is granted.

## **B. Standing**

FOP claimed in its initial information request and in its Complaint that OPC had a duty under Article 10 of its CBA with MPD, and under D.C. Code § 1-617.04(a)(5) of the CMPA, to provide it with the information it requested.

### **1. Article 10 of the CBA**

The PERB agrees with the Respondent that FOP does not have standing to bring what is essentially a breach of contract allegation against OPC under Article 10 of the CBA, as OPC is not a party to the CBA in question.

The parties to a contract can be reasonably determined by the expressed identification of the parties in the contract itself, when the body of the agreement consistently implies who the parties are, and by who signed and executed the contract. *YA Global Investments, L.P. v. Cliff*, 15 A.3d 857, 862 (N.J. Super. Ct. App. Div. 2011). What is more, non-parties owe no contractual duty to contracting parties. *Charlton v. Mond*, 987 A.2d 436, 441 (D.C. 2010) (citing *Aronoff v. Lenkin*, 618 A.2d 669, 684 (D.C. 1992)); see also *Fort Lincoln Civic Ass'n, Inc. v. For Lincoln New Town Corp.*, 944 A.2d 1055, 1063 (D.C. 2008) (holding that generally, a stranger to a contract may not bring a claim on the contract) (citing *German Alliance Ins. Co. v. Home Water Supply Co.*, 226 U.S. 220, 230 (1912), and *Chong Moe Dan v. Maryland Cas. Co. of Baltimore*, 93 A.2d 286, 288 (D.C. App. 1953) (holding that a person who is not a party to a contract or in privity with it has no standing to enforce the contract) (internal citation ommitted). Put simply, a third person or entity that is not expressly identified as a party in the contract, is not implied to be a party by the terms of the contract, and was not a signer or executor of the contract, owes no obligation to the parties of the contract and is not bound by the terms or requirements of the contract. *Id.* and *YA Global Investments, L.P. v. Cliff, supra*.

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In the instant case, the title page of the CBA reads that it is the “Labor Agreement between the Government of the District of Columbia Metropolitan Police Department and the Fraternal Order of Police MPD Labor Committee.” (Complaint, Exhibit #1). In addition, Article 1, Section 1 of the CBA states, “[t]his Collective Bargaining Agreement ... is entered into between the Metropolitan Police Department ... and the Fraternal Order of Police/Metropolitan Police Department ... Labor Committee.” *Id.* Throughout the entire body of the agreement, MPD and FOP are the only two (2) parties upon which obligations and requirements are bestowed. Moreover, the CBA’s signers were, “[f]or the District of Columbia Government”, the Chief of Police, his Executive Assistant, and numerous other MPD staff members, and “[f]or the Fraternal Order of Police/Metropolitan Police Department Labor Committee”, the FOP Chairman, the Vice-Chairman, and other FOP staff and negotiators. *Id.* Therefore, it is reasonable to determine that the only parties to the CBA in question are MPD and FOP. *YA Global Investments, L.P. v. Cliff, supra.* Furthermore, it is likewise reasonable to determine that OPC is not a party to the CBA between FOP and MPD as: 1) OPC is not identified in the CBA as a party; 1) OPC is not referred to in any of the CBA’s terms; and 3) no representative from OPC signed or executed the CBA. *Id.*

In addition, the terms of a contract should be read and understood in accordance with the “plain meaning” of the words used. *Mittal Steel USA ISG, Inc. v. Bodman*, 435 F.Supp.2d 106, 108-09 (Dist. Court, Dist. of Columbia 2006) (citing *Lee v. Flintkote*, 593 F.2d 1275, 1280 (D.C. Cir. 1979)). The plain meaning of a contract is determined by “the language used by the parties to express their agreement.” *Id.* (quoting *WMATA v. Mergentime Corp.*, 626 F.2d 959, 961 (D.C. Cir. 1980)). A contract can only be considered ambiguous when its terms are “reasonably susceptible of different constructions or interpretations.” *Id.* (quoting *1901 Wyoming Ave. Coop. Assoc. v. Lee*, 345 A.2d 456, 461 n. 7 (D.C. 1975)). Only if the contract is ambiguous may extrinsic evidence outside of the four (4) corners of the document be considered to clarify the intentions of the parties. *Id.* (citing *Consol. Gas Transmission Corp. v. FERC*, 771 F.2d 1536, 1546 (D.C. Cir. 1985)).

Erroneously, FOP claims that Article 10 of the CBA empowers it to seek and receive information from OPC. (Complaint at 3, 5-7, and Exhibit #2). Section 1 of Article 10 states, “[t]he Parties shall make available to each other’s duly designated representatives, upon reasonable request, any information, statistics and records relevant to negotiations or necessary for proper administration of the terms of this Agreement.” (Complaint, Exhibit #2 at 8) (emphases added). In the instant matter, “the Parties” and “to each other” are the legally operative terms. They plainly dictate, without ambiguity, that the obligation to exchange information only applies between MPD and FOP. *Mittal Steel USA ISG, Inc. v. Bodman, supra; Charlton v. Mond, supra; and YA Global Investments, L.P. v. Cliff, supra.* Furthermore, there is

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nothing in the four (4) corners of Article 10 or the CBA to demonstrate that the CBA imposes any contractual requirement to request or disclose information on anyone who is not MPD or FOP. *Mittal Steel USA ISG, Inc. v. Bodman. supra*; and *Charlton v. Mond, supra*.

In its Complaint, FOP contends that its CBA is between it and the entire District of Columbia government, not just between it and MPD. (Complaint at 3, 5-7). However, such an argument cannot be squared with the CBA's plain and unambiguous identification of the parties, noted above, and therefore must fail. See *Mittal Steel USA ISG, Inc. v. Bodman. supra*; see also *American Federation of Government Employees, Local 2924 v. Federal Labor Relations Authority*, 470 F. 3d 375, 377 & 381 (D.C. Cir. 2006) (internal citations omitted). The only proper and legally sound reading of the CBA is that its terms only apply between FOP and MPD, not FOP and all other District agencies. *Mittal Steel USA ISG, Inc. v. Bodman. supra*; and *Charlton v. Mond, supra*; and *YA Global Investments, L.P. v. Cliff, supra*. To say otherwise would be to imply that a union's agreement with one (1) agency in the District is a binding contract upon all of the District's agencies. Simply put, at best, such an argument is unwarranted and ethereal. Basic contract law dictates that such is not the case. *Id.* OPC is not bound by the terms of the CBA between FOP and MPD any more than the Department of Health or some other non-party agency is. *Id.*

As such, FOP does not have standing under Article 10 of the CBA to bring an unfair labor practice complaint against OPC for failing to abide by the terms of the CBA between it (FOP) and MPD because, as reasoned herein, OPC is not a party to the CBA. *Id.* and *Chong Moe Dan v. Maryland Cas. Co. of Baltimore, supra*.

## 2. D.C. Code § 1-617.04(a)(5)

Likewise, FOP does not have standing to bring an unfair labor practice complaint against OPC under D.C. Code § 1-617.04(a)(5). D.C. Code § 1-617.04(a)(5) prohibits the District, its agents, and representatives from refusing to bargain collectively in good faith with the exclusive representative. Generally, agencies are obligated to provide documents in response to a request made by the union. *American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority*, 59 D. C. Reg. 3948, Slip Op. No. 924 at p. 5-6, PERB Case No. 08-U-04 (2007) (citing *Teamsters, Local 639 and 730 v. District of Columbia Public Schools*, 37 D.C. Reg. 5993, Slip Op. No. 226, PERB Case No. 88-U-10 (1989) and *Psychologists Union, Local 3758 of the District of Columbia Department of Health, 1199 National Union of Hospital and Health Care Employees, American Federation of State County and Municipal Employees, AFL-CIO v. District of Columbia Department of Mental Health*, 54 D.C. Reg. 2644, Slip Op. No. 809, PERB Case No. 05-U-41 (2005)). Moreover, the United



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States Supreme Court has held that an employer's duty to disclose information "unquestionably extends beyond the period of *contract negotiations* and applies to labor-management relations *during the term of an agreement.*" *National Labor Review Board v. Acme Industrial Co.*, 385 U.S. 32, 36 (1967) (emphases added).

The object that establishes and defines the obligation to "bargain collectively"—and in this case, the authority to seek and receive information—is the collective bargaining agreement. The CBA cited and relied upon by FOP in its November 3, 2011, request for information and in its Complaint defines and establishes a right to seek and receive information between FOP and MPD, but it does not establish rights between FOP and OPC. Indeed, FOP and OPC have not engaged in any "contract negotiations" regarding information requests. *NLRB v. Acme Industrial, supra*. Likewise, FOP and OPC are not currently in the "term [(time period)] of an agreement" governing information requests. *Id.* As such, OPC was not obligated to "bargain collectively in good faith" with FOP and was not obligated to provide FOP with the information it requested under D.C. Code § 1-617.04(a)(5), as no collective bargaining agreement or requirement to bargain existed between FOP and OPC. *Id.*

Therefore, FOP lacks standing to allege under D.C. Code § 1-617.04(a)(5) that OPC failed to bargain with it in good faith.

### **C. Remaining Issues**

Pursuant to the PERB's finding that FOP lacks standing, under the specific facts alleged, to bring an unfair labor practice against OPC under Article 10 of FOP's CBA with MPD or under D.C. Code § 1-617.04(a)(5), it is not necessary for the PERB to address FOP's contention that the information requested was necessary to its ability to represent its members, or OPC's argument that the Board lacks jurisdiction over this matter because the alleged violations were contractual rather than statutory.

### **D. Dismissal**

Complainants must assert in the pleadings allegations that, if proven, would demonstrate a statutory violation of the CMPA. *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department and Cathy Lanier*, 59 D.C. Reg. 5427, Slip Op. No. 984 at p. 6, PERB Case No. 08-U-09 (2009) (citing *Virginia Dade v. National Association of Government Employees, Service Employees International Union, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491 at p. 4, PERB Case No. 96-U-22 (1996); and

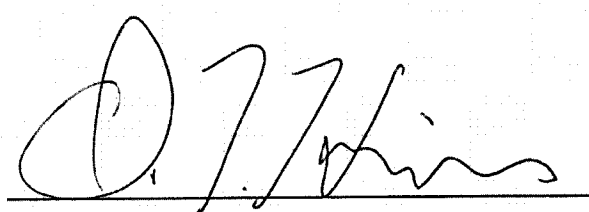
Administrative Dismissal  
PERB Case No. 12-U-16  
Page 10

*District of Columbia Department of Public Works*, 48 D.C. Reg. 6560, Slip Op. No. 371, PERB Case Nos. 93-S-02 and 93-U-25 (1994)).

When considering a dismissal, the PERB views the contested facts in the light most favorable to the Complainant to determine if the allegations may, if proven, constitute a violation of the CMPA, thus giving rise to an unfair labor practice. *Id.* (citing *Doctor's Council of District of Columbia General Hospital v. District of Columbia General Hospital*, 49 D.C. Reg. 1237, Slip Op. No. 437, PERB Case No. 95-U-10 (1995); and *JoAnne G. Hicks v. District of Columbia Office of the Deputy Mayor for Finance, Office of the Controller and American Federation of State, County and Municipal Employees, District Council 24*, 40 D.C. Reg. 1751, Slip Op. No. 303, PERB Case No. 91-U-17 (1992)).

Pursuant to its investigation, PERB finds, under the specific facts and legal authority cited by FOP in its November 3, 2001, information request and in its Compliant, FOP does not have standing to allege an unfair labor practice against OPC under Article 10 of FOP's CBA with MPD or under D.C. Code § 1-617.04(a)(5). Viewing the contested facts in the light most favorable to the Complainant still does not change the fact that Article 10 and D.C. Code § 1-617.04(a)(5) do not require OPC to provide FOP with the information it requested because there is no privity of contract between FOP and OPC to establish such an obligation. *FOP v. MPD, supra*, 59 D.C. Reg. 5427, Slip Op. No. 984 at p. 6, PERB Case No. 08-U-09. As such, FOP has not asserted any allegations that, even if proven, would demonstrate a statutory violation of the CMPA. *Id.* Therefore, in accordance with PERB Rules 520.8 and 500.4, this matter is administratively dismissed.<sup>1</sup>

February 19, 2013  
Date

  
Ondray T. Harris  
Executive Director

<sup>1</sup> The PERB notes that the information FOP seeks could be requested in accordance with the District of Columbia Freedom of Information Act (FOIA) (D.C. Code §§ 2-531 et seq.).

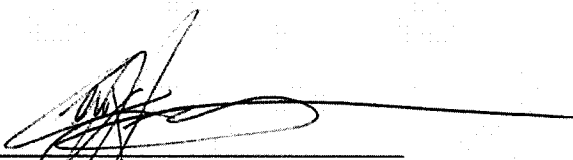
**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 12-U-16, Slip Op. No. 1364, was transmitted via File & ServeXpress and e-mail to the following parties on this the 19<sup>th</sup> day of February, 2013.

Marc L. Wilhite  
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**File & Serve and E-MAIL**

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Colby J. Harmon, Esq.  
Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

_____	)	
In the Matter of:	)	
	)	
District of Columbia	)	
Metropolitan Police Department,	)	
	)	PERB Case No. 11-A-02
Petitioner,	)	
	)	Opinion No. 1365
v.	)	
	)	
Fraternal Order of Police/Metropolitan	)	
Police Department Labor Committee,	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of the Case**

Petitioner District of Columbia Metropolitan Police Department (“Petitioner” or “MPD”) filed an Arbitration Review Request (“Request”) seeking review of an arbitration award (“Award”) in which Arbitrator Barbara Franklin found that MPD must place Grievant Officer Clifford Simms (“Grievant”) in the next available School Resource Officer (“SRO”) position within the District of Columbia Public Schools. (Award at 13). In its Request, MPD alleges that the Arbitrator was without or exceeded her authority, and that the Award on its face is contrary to law and public policy. (Request at 2). Respondent Fraternal Order of Police/Metropolitan Police Department Labor Committee (“Respondent” or “FOP”) filed an Opposition to the Arbitration Review Request (“Opposition”).

The Arbitrator was presented with the following issues:

1. Whether [MPD] violated D.C. Code § 5-1031(a) by commencing an adverse action against the Grievant more than 90 business days after the date that [MPD] knew or should have known of the act allegedly constituting cause; and
2. Whether [MPD] had just cause for imposing a 15-day suspension, with 5 days held in abeyance, on the Grievant.

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(Award at 2). The Arbitrator concluded that MPD violated the "90 day rule" by failing to issue the proposed adverse action against the Grievant within 90 days. (Award at 12). As the adverse action was invalid, the Arbitrator determined that the suspension should be rescinded. (Award at 13). Further, the Arbitrator ordered MPD to place the Grievant in the next SRO position that become available. *Id.* It is this remedy that MPD opposes in its Request.

The issues before the Board are whether "the arbitrator was without or exceeded his or her jurisdiction," and whether "the award on its face is contrary to law and public policy." D.C. Code § 1-605.02(6).

## II. Discussion

### A. Arbitration Award

The Arbitrator found that the Grievant had served as an MPD officer for approximately seventeen years, and for seven years he had worked as an SRO. (Award at 2). As an SRO, the Grievant was permanently deployed as a member of a team to provide security at Anacostia Senior High School. *Id.* The Grievant routinely received high performance ratings and had never been the subject of a complaint at the school. *Id.*

On September 13, 2007, the Grievant's partner, Officer Diaz, told the Grievant that a student had complained about the Grievant, and that the school administration was aware of the complaint. *Id.* Officer Diaz testified that she told Grievant specific details about the student's complaint; the Grievant testified that Officer Diaz said only that a student wanted to make a complaint and that the school was aware of the situation. (Award at 2-3). Grievant reported the information to his supervisor. (Award at 3).

The student's complaint was investigated by Lieutenant Vincent Turner. (Award at 3). Lieutenant Turner's Final Investigative Report ("FIR") contained a number of inconsistent dates. (Award at 3). In the FIR, Lieutenant Turner states that he was first contacted by the District of Columbia Public Schools on October 10, 2007, and started his investigation on that date. (Award at 3-4). Elsewhere in the FIR, this date is noted as October 3, 2007. (Award at 3). Additionally, multiple witness statements have the date "10-03-07." (Award at 4). On February 20, 2008, the Grievant received a Notice of Proposed Adverse Action. *Id.* The Grievant was removed from his position as an SRO and returned to duty as a patrol officer. (Award at 5).

The Notice of Proposed Adverse Action contained two charges and recommended a thirty day suspension. Charge Number 1 stated:

Violation of General Order 120.21, Attachment A, Part A-6, which reads: "Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties as a Metropolitan Police Officer to, or in the presence of, any superior officer, or intended for the information of

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any superior officer, or making an untruthful statement before any court or hearing.” (Award at 4).

Specification Number 1 stated:

On September 13, 2007, you informed Sergeant Charles Foster that a female student at Anacostia High School wanted to file a complaint against you; but, were unaware of the particulars of the complainant [sic]. However, you were informed of the specific nature of the complaint by Officer Juana Diaz. (Award at 4).

The Arbitrator noted that the second charge of “Conduct Unbecoming an Officer” was dismissed, and she did not discuss it in the Award. *Id.* In appealing the Notice of Proposed Adverse Action, the Grievant argued that MPD violated the 90 day rule, and disputed the charge that he had made inappropriate remarks to the student. (Award at 5).

On April 18, 2008, MPD issued a Final Notice of Adverse Action, sustaining the charge of making a false statement and dismissing the charge of Conduct Unbecoming an Officer. (Award at 5). MPD found no violation of the 90 day rule. *Id.* MPD reduced the suspension to fifteen days, with five days to be held in abeyance for one year. *Id.* The parties advanced to arbitration. *Id.*

Ultimately, the Arbitrator determined that MPD first became aware of the student’s complaint on October 3, 2007, which was 94 days before the Notice of Proposed Adverse Action was issued. (Award at 11-12). The Arbitrator stated that because the adverse action was invalid, the ten day suspension should be rescinded. (Award at 12).

As a remedy, the Union requested that the Grievant be restored to his position as a SRO at Anacostia Senior High School. (Award at 13). The arbitrator notes that “the parties presented no arguments regarding the appropriateness of the remedy requested.” *Id.* at fn 4. The Arbitrator found that this remedy would be inappropriate because: 1) the decision was based on a procedural finding; 2) the remedy would be “disruptive, given the probability that another officer has been serving in that position for an extended period of time”; and 3) Grievant did not suffer a demotion when he was returned to patrol duty. (Award at 13).

Despite these concerns, the Arbitrator wrote that “the circumstances of this case argue strongly in favor of returning the Grievant to an SRO position when one becomes available.” (Award at 13). In support of this conclusion, the Arbitrator noted that:

- 1) the Grievant had seven years of experience in that position, with consistently high performance evaluations;
- 2) he currently has over 20 years of experience with the force;
- 3) there have been no other complaints filed against him;
- 4) Chief Lanier concluded that there were insufficient facts to support a charge based on the student’s complaint that the Grievant had made inappropriate

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comments to her; and 5) Commander Willie Dandridge, who formerly oversaw SROs and had handpicked the Grievant for the position, testified that he had “no reservations” about putting him back in the schools. (Award at 13).

The Arbitrator ordered MPD to place the Grievant in the next open SRO position, if the Grievant wished to take that position. *Id.*

#### B. Position of MPD before the Board

In its Request, MPD first contends the Arbitrator exceeded her authority in issuing the Award by “deciding an issue that was, by her own acknowledgement, not before her.” (Request at 3). MPD states that the discipline proposed against the Grievant was the 15 days suspension, with 5 days held in abeyance for one year. (Request at 3). MPD alleges that “at no point during any of the [adverse action proceedings] was Grievant’s removal from his position as a SRO included as a part of the disciplinary action against Grievant.” *Id.*

Further, MPD contends that in the Award, the Arbitrator did not identify the Grievant’s position as an SRO as an issue over which she was to exercise jurisdiction. (Request at 4). MPD states that “[n]owhere in her recitation of issues did Arbitrator Franklin articulate Officer Simms’s position as a SRO as an issue for her consideration, much less as an issue over which she had authority to address in her award.” *Id.*

Second, MPD alleges that the Arbitrator’s Award is contrary to law and public policy because it violates the management right under Section 1-617.08 of the Comprehensive Merit Personnel Act (“CMPA”) to transfer and assign employees in positions within the agency. (Request at 5). MPD asserts that it exercised a reserved management right when it removed the Grievant from his position as an SRO, “separate and apart from the disciplinary action proposed against the Grievant.” *Id.* MPD states that the Award “exacerbates” the alleged CMPA violation by “prescribing the manner in which management is to act: *i.e.*, by offering him the position regardless of Departmental selection process, qualifications, etc.” *Id.*

#### C. Position of FOP before the Board

FOP alleges that Article 4 of the parties’ collective bargaining agreement (“CBA”) only recognizes the right of MPD to transfer and assign officers as it deems appropriate when that right is exercised in accordance with applicable rules and regulations. (Opposition at 4-5). According to Article 14 of the CBA, transfers of officers are allowed for efficiency of service, where the officer agrees to the transfer as a part of a settlement, and on appeal of an adverse action by the Chief of Police or the Assistant Chief in lieu of any other penalty imposed. (Opposition at 5).

FOP claims that the Grievant was initially transferred to patrol duty pending the resolution of the adverse action, but when the charge of “Conduct Unbecoming an Officer” was rescinded, the Grievant was not returned to his SRO detail. (Opposition at 5). In support of this

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contention, FOP points to a memorandum from an Assistant Chief of Police stating that the Grievant is detailed to patrol duty "pending the outcome of a misconduct investigation," and that the Grievant's assignment would be reevaluated based upon the outcome of the investigation. (Opposition Attachment 7). FOP alleges that "as [MPD] has not cited his removal from his assignment as for the efficiency of service...it can only be assumed that the transfer was done in concert with the action taken in relationship to the conduct unbecoming charge, which was later rescinded." *Id.* FOP states that it "is apparent that MPD improperly used the transfer to remove grievant from his assignment." *Id.* Further, FOP contends that it has always requested that the Grievant be made whole, which it believes includes a return to an SRO position. (Opposition at 6).

Additionally, FOP alleges that the Arbitrator "exercised her judicial power to correct the violation properly before her in this matter." (Opposition at 6). FOP states that "MPD attempted to circumvent the negotiated procedures of the CBA by not including [the Grievant's] transfer in the discipline imposed knowing full well that by not doing so he could never address his due process rights afforded him under the contract." *Id.*

#### D. Analysis

The CMPA authorizes the Board to modify or set aside an arbitration award in three limited circumstances: (1) if the arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means. D.C. Code § 1-605.02(6) (2001 ed.).

The Board will not substitute its own interpretation or that of the Agency for that of the duly designated arbitrator. *District of Columbia Department of Corrections and International Brotherhood of Teamsters, Local Union No. 246*, 34 D.C. Reg. 3616, Slip Op. No. 157 at p. 3, PERB Case No. 87-A-02 (1987). An arbitrator's decision must be affirmed by a reviewing body "as long as the arbitrator is even arguably construing or applying the contract." *United Paperworkers Int'l Union AFL-CIO v. Misco, Inc.*, 484 U.S. 29, 38 (1987). By submitting the grievance to arbitration, "the parties agree to be bound by the Arbitrator's interpretation of the parties' agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based." *District of Columbia Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 47 DC Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000); *District of Columbia Metro. Police Dep't and Fraternal of Police, Metro. Police Dep't Labor Comm. (Grievance of Angela Fisher)*, 51 DC Reg. 4173, Slip Op. No. 738, PERB Case No. 02-A-07 (2004).

In the instant case, MPD contends that the Arbitrator exceeded her authority because the Grievant's removal from his position as an SRO was not properly before her. (Request at 3). We have held that an arbitrator does not exceed his authority by exercising his equitable power, unless it is expressly restricted by the parties' collective bargaining agreement.<sup>1</sup> *See District of Columbia Metropolitan Police Department and Fraternal Order of Police/MPD Labor*

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<sup>1</sup> We note that if MPD had cited a provision of the parties' CBA that limits the Arbitrator's equitable power, that limitation would be enforced.



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*Committee*, 39 D.C. Reg. 6232, Slip Op. No. 282, PERB Case No. 92-A-04 (1992). The Supreme Court held in *United Steelworkers of America v. Enterprise Wheel & Car Corp.*, 363 U.S. 593, 597 (1960), that arbitrators bring their “informed judgment” to bear on the interpretation of collective bargaining agreements, and that is “especially true when it comes to formulating remedies.” Courts have followed the Supreme Court’s lead in holding that arbitrators have implicit authority to fashion appropriate remedies for violations of collective bargaining agreements. See, *Metropolitan Police Department v. Public Employee Relations Board*, D.C. Sup. Ct. No. 04 MPA 0008, at 6 (May 13, 2005).

In the present case, the Arbitrator found that MPD violated D.C. Code § 5-1031, and therefore the parties’ CBA, when it issued the Notice of Proposed Action later than 90 days from the date it knew or should have known of the incident that gave rise to the charges against the Grievant. (Award at 7). The Arbitrator exercised her equitable power to remedy the violation by returning the Grievant to the position he would have been in had the invalid action not occurred. MPD alleged that the Grievant’s transfer to patrol duty was not part of the discipline imposed through the adverse action proceedings, but Opposition Attachment 7 shows that the Grievant was transferred due to the investigation into the student’s complaint. To remedy the effects of the invalid adverse action proceeding, the Arbitrator used her equitable authority to fashion an appropriate remedy. MPD has not shown that any provision of the parties’ CBA limited the Arbitrator’s equitable powers. Therefore, the Board will not overturn the Award as beyond the scope of the Arbitrator’s authority.

The Board’s scope of review, particularly concerning the public policy exception, is extremely narrow. A petitioner must demonstrate that the arbitration award “compels” the violation of an explicit, well defined, public policy grounded in law and or legal precedent. See *Misco*, 484 U.S. 29. Absent a clear violation of law evident on the face of the arbitrator’s award, the Board lacks authority to substitute its judgment for the arbitrator’s. *FOP/DOC Labor Committee v. PERB*, 973 A.2d 174, 177 (D.C. 2009). Disagreement with the arbitrator’s findings is not a sufficient basis for concluding that an award is contrary to law or public policy. *Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 31 DC Reg. 4159, Slip Op. No. 85, PERB Case No. 84-A0-05 (1984).

In its Request, MPD cites to D.C. Code § 1-617.08(a)(2), which gives D.C. Government agencies the sole right to, among other things, transfer and assign employees. (Request at 5). According to MPD, the Arbitrator’s instruction to offer the Grievant the next available SRO position infringes on its management right to assign and transfer employees. *Id.*

The only limitation to an arbitrator’s equitable power that is recognized by the Board is where the arbitrator’s equitable power is explicitly curtailed by the parties’ CBA. See *District of Columbia Metropolitan Police Department*, Slip Op. No. 282. Arbitration is addressed in Article 19(E) of the parties’ CBA. (Request Attachment 6 at p. 24). Section 6 of Article 19(E) places two limitations on the arbitration award: (1) that the arbitrator may not “add to, subtract from, or modify the provisions of [the CBA] in arriving at a decision of the issue presented and shall confine his decision solely to the precise issue submitted for arbitration; and (2) that arbitration awards “shall not be made retroactive beyond the date of the occurrence of the event upon which

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PERB Case No. 11-A-02  
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the grievance or appeal is based.” (Request Attachment 6 at p. 25). Neither of these requirements specifically restricts an arbitrator’s right to fashion an equitable remedy.

The Board has never held that D.C. Code § 1-617.08 acts as a limitation on an arbitrator’s equitable power, and the Board will not do so now. MPD disagrees with the remedy ordered by the Arbitrator, and this disagreement is not a sufficient basis to modify or overturn the Award. *Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, Slip Op. No. 85.

In light of the above, we find no merit to MPD’s Request. We find that the Arbitrator’s conclusions are based on a thorough analysis. The Arbitrator’s ruling cannot be said to be clearly erroneous, contrary to law or public policy, or in excess of her authority under the parties’ CBA. Therefore, no statutory basis exists for setting aside the Award.

### ORDER

#### **IT IS HEREBY ORDERED THAT:**

1. The District of Columbia Metropolitan Police Department’s Arbitration Review Request is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

February 21, 2013

CERTIFICATE OF SERVICE

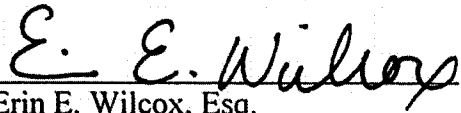
This is to certify that the attached Decision and Order in PERB Case No. 11-A-02 was transmitted to the following parties on this the 21st day of February, 2013.

Mr. William Sarvis, Jr.  
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Erin E. Wilcox, Esq.  
Attorney-Advisor

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**Government of the District of Columbia  
Public Employee Relations Board**

_____		)	
In the Matter of:		)	
		)	
District of Columbia		)	
Metropolitan Police Department		)	
		)	
Complainant,		)	PERB Case No. 12-A-04
		)	
and		)	Opinion No. 1366
		)	
Fraternal Order of Police,		)	
Metropolitan Police Department		)	
Labor Committee, (on behalf of Charles Jacobs)		)	
		)	
Respondent.		)	
_____		)	

**DECISION AND ORDER**

**I. Statement of the Case**

The District of Columbia Metropolitan Police Department (“Agency” or “MPD” or “Petitioner”) filed an arbitration review request (“Request”) in the above-captioned matter. The Fraternal Order of Police/Metropolitan Police Department Labor Committee (“Union” or “FOP”) filed an Opposition to the Request (“Opposition”). The Agency seeks review of an arbitration award (“Award”) that mitigated the termination of the Charles Jacobs (“Grievant”) to a 35-day suspension.

**II. Discussion**

**A. The Award**

The matter before the Board arises from a grievance filed by the Union on behalf of the Grievant, challenging the Agency’s termination of his employment. (Award at 1). On March 7, 2006, Grievant was served with a Notice of Proposed Adverse Action (“Notice”). (Award at 4). The Notice contained four charges against the Grievant. (Award at 5). The charges were categorized as follows: “commission of an act that would constitute a crime; conduct prejudicial

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to the MPD; willful falsehood and failure to obey orders and directives.” (Award at 18).

On May 10, 2006, an Adverse Action Panel (“Panel”) held a hearing on Grievant’s proposed termination. (Award at 4). The Grievant pled guilty to two charges. (Award at 5). On June 22, 2006, Grievant was served with the Panel’s written decision that found him guilty of all remaining charges, except for two specifications, and adding an additional specification under Charge 3 for “willfully and knowingly making an untruthful statement...pertaining to his...official duties...and in the presence of any superior officer...” (Award at 4-5). On July 5, 2006, Grievant appealed the Adverse Action Decision to the Chief of Police. (Award at 4). The Chief of Police denied the Grievant’s appeal in a Final Agency Action letter, dated July 19, 2006, affirming Grievant’s termination as of August 25, 2006. *Id.*

On August 1, 2006, the FOP demanded arbitration on the Grievant’s behalf, pursuant to the MPD and FOP (collectively the “Parties”) collective bargaining agreement (“CBA”). *Id.* In lieu of an evidentiary hearing, the Parties agreed to submit the record of the proceedings before an Adverse Action Panel to Arbitrator Arline Pacht for final resolution. (Award at 1). The parties submitted post-hearing briefs to the Arbitrator, and FOP submitted a reply brief. (Award at 1).

The Parties submitted the following joint issues:

- (1) Did Grievant waive the right to challenge the MPD’s alleged failure to issue a timely decision? If not, did the Department violate the 55 day rule set forth in Article 12, section 6 of the parties’ collective bargaining agreement?;
- (2) Did the panel improperly allow into evidence, testimony and records concerning a previous allegation of similar conduct by Grievant;
- (3) Did the MPD violate Charge 3, Specification 1 by charging Grievant with a new specification after the hearing concluded and without providing him with proper notice;
- (4) Did the Department adduce sufficient evidence to support the charges?; and
- (5) Did the Department Terminate Grievant Improperly?.

(Award at 6).

On the first issue, the Arbitrator found that the Grievant “was not barred from contesting the MPD’s alleged failure to comply with the 55-day rule.” (Award at 7). The Grievant had asserted that MPD “violated the 55 day rule set forth in Article 12, Section 6 of the parties’ collective bargaining agreement...by failing to issue its final decision within 55 days after he requested a hearing as perceived in Article XII, Section 6 of the parties’ collective bargaining agreement...” (Award at 6). The Arbitrator interpreted relevant case law by the Office of Employee Appeals (“OEA”) and the Parties’ Collective Bargaining Agreement (“CBA”), and determined that the 55-day rule was a jurisdictional question that could be raised at any time during the proceedings. (Award at 7). The Arbitrator found that Grievant did not waive the right to contest the 55-day rule. *Id.* The Arbitrator, however, then found that MPD did not violate the

Decision and Order  
PERB Case No. 12-A-04  
Page 3 of 9

55-day rule. (Award at 9). In light of the evidence presented to the Arbitrator, the Arbitrator concluded that the Grievant had requested a postponement of the originally scheduled March 30th hearing, which was then held on May 10, 2006. *Id.* The Arbitrator found that the Grievant's request to postpone the hearing tolled the 55-day rule, and that MPD's Final Notice issued on June 22, 2006 was in compliance with the 55-day rule. (Award at 9).

On the second issue, the Arbitrator found the admission of evidence of Grievant's prior misconduct was not improper. (Award at 8, 11). The Arbitrator found that the admission of Grievant's prior conduct was used by the Panel only for *Douglas* factor analysis of the "clarity with which the employee was on notice of any rules that were violated in committing the offence or as the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others." (Award at 10-11). As the information was not used by the Panel to determine the Grievant's culpability of the charges against him, the Arbitrator decided that the admission of evidence of Grievant's prior conduct for the purposes of penalty determination was not improper. (Award at 11).

On the third issue, the Arbitrator decided that the Panel's amendment of Charge 3 after the hearing before the Panel was improper. *Id.* The Panel found Grievant not guilty of Charge 3, Specification 1, however, after the hearing, the Panel amended Charge 3 to include Specification 2 for testifying before the Panel that "...on November 10, 2005, he did not ask Officer Darin Rush to dissuade his wife from reporting the domestic assault that occurred on October 25, 2005." *Id.* (citing TR 568). The Panel found the Grievant guilty of the amended Charge 3. (Award at 11). After interpreting the relevant statutes, regulations, and case law, the Arbitrator found "[a]lthough an Adverse Action Panel may alter a charge based on evidence that emerges during the hearing, it must do so with the notice to the Grievant while the hearing is in progress." (Award at 12). The Arbitrator decided that Grievant did not have sufficient notice during the hearing to believe that the charge may arise and, consequently, did not have the opportunity to respond to the potential charge during the hearing. (Award at 13-14). The Arbitrator found that MPD failed to provide the Grievant with advance notice of the charge and an opportunity to respond. (Award at 14). Consequently, the Arbitrator dismissed Charge 3, Specification 2. *Id.* The Grievant argued to the Arbitrator that due process rights required that the Arbitrator dismiss all of the adverse action findings. *Id.* The Arbitrator rejected the Grievant's argument. *Id.* The Arbitrator found that dismissal of the adverse action was "unduly severe for it would require the dismissal of specifications that were found to have merit and where Grievant acknowledged his guilt." *Id.* The Arbitrator then recommended that MPD "redact all records maintained by the [Metropolitan Police] Department in which references to the errant specification may appear and any reference to or reliance on this specification in the Panel's consideration of the *Douglas* factors will be expunged." *Id.*

On the fourth issue, the Arbitrator ruled that MPD had sufficient evidence to support its charges against the Grievant. (Award at 14). Based on the record, the Arbitrator determined that MPD had proved the charges by a preponderance of the evidence with the exception of the amendment to Charge 3, as discussed above. (Award at 14-17).

Finally, on the fifth issue, the Arbitrator ruled that the termination of the Grievant was not an appropriate penalty. (Award at 18). The Arbitrator determined that the Panel "assessed

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the record evidence in accordance with the twelve factors identified in *Douglas*,<sup>1</sup> as called for in the MPD Trial Board Handbook.” (Award at 18) (footnote added). After review of the charges, MPD’s Table of Penalties, and the Panel’s penalty determination, the Arbitrator stated:

Relying principally on Mrs. Jacobs’ allegations of domestic violence after which she obtained a TPO, the Panel concluded that the appropriate penalty, as set forth in the [Metropolitan Police] Department’s Table of Penalties, warranted Grievant’s termination for violating Charge 1, specification 1. The penalty for Charge 2, specification 1 involving Grievant’s physical and verbal abuse of Mrs. Jacobs ranged from a one day suspension to removal, and for Charge 4, specification 1, the penalty for failing to obey orders and directives addressing Grievant’s failure to report his receipt of the TPO varied from a reprimand to removal.

(Award at 18). The Arbitrator then proceeded to analyze each *Douglas* factor, including in her analysis the Panel’s consideration of each *Douglas* factor and the Parties’ arguments. (Award at 18-26). With regards to penalty determination, the Arbitrator found termination was inappropriate, because the Grievant was “an apt candidate for rehabilitation” and the Panel failed to provide any comparable cases or properly address the relationship between Grievant’s job performance and several false statements as called for by the *Douglas* factors.” (Award at 27). The Arbitrator decided to “set aside the MPD’s decision to terminate Grievant and order his reinstatement with full back pay and benefits less any earnings he may have made from the date of his termination to the date of his reinstatement.” *Id.* Further, the Arbitrator ordered:

given sustained finds of Grievant’s misconduct, a lesser penalty of 35 work days suspension without pay is appropriate in as much as it corresponds with penalties imposed in similar cases. In addition, in light of Grievant’s false testimony during the Adverse Action hearing, a consecutive penalty of 10 work days without pay is hereby imposed. Taken together, Grievant will be suspended for a total of 45 days to begin after the starting date of his reinstatement. In addition, I hereby order that Officer Jacobs enrolls in an approved anger management program for a period of at least one year.

(Award at 27-28).

## B. Analysis

The Comprehensive Merit Personnel Act (“CMPA”) authorizes the Board to modify or set aside an arbitration award in three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means. D.C. Code § 1-605.02(6) (2001 ed.). MPD requests that the Board reverse the Arbitrator’s award, because “(1) the [A]rbitrator was without authority to grant the award[,] and (2) the award is

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<sup>1</sup> *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (MSPB 1981).

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contrary to law and public policy.” (Request at 1).

1. The Arbitrator did not exceed her authority when she reduced the Grievant’s penalty.

The Parties presented as a joint issue to the Arbitrator: “Was the penalty of termination appropriate?”. (Request at 6, Award at 6). The Arbitrator found that termination was an excessive penalty for the Grievant. (Award at 27). MPD, however, asserts that the Arbitrator “exceeded her authority by considering material outside the record,” when the Arbitrator considered decisions in other adverse action cases that occurred after the Panel’s decision to terminate the Grievant. (Request at 7). MPD argues that “the arbitrator analyzed *de novo* whether the Panel recommended a fair and appropriate penalty under the circumstances,” and that “[t]he arbitrator’s independent review is a significant departure from the review generally conducted to determine whether an agency’s decision to impose a particular penalty was clearly erroneous.” *Id.*

Further, MPD argues that the Arbitrator’s analysis of the *Douglas* factors of other employees’ disciplinary actions was outside of the record before the Panel and, therefore, impermissible for the Arbitrator to consider. (Request at 8). In its Request, MPD argues that the Arbitrator’s contractual authority is limited by Article 12, § 8 (January 28, 2005) of the Parties’ CBA, which states that “[i]n cases where a Departmental hearing has been held, any further appeal shall be based solely on the record established in the Departmental hearing.” (Request at 8). In its Opposition, FOP argues that MPD has cited to the incorrect provision of the Parties’ contract, and that Article 19 governing grievance procedures provides the correct grant of authority. (Opposition at 4).

The Board has long held that by agreeing to submit the settlement of a grievance to arbitration, it is the Arbitrator’s interpretation, not the Board’s, for which the parties have bargained. *See University of the District of Columbia and University of the District of Columbia Faculty Association*, 39 D.C. Reg. 9628, Slip Op. No. 320, PERB Case No. 92-A-04 (1992). In addition, the Board has found that by submitting a matter to arbitration, “the parties agree to be bound by the Arbitrator’s interpretation of the parties’ agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based.” *District of Columbia Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000); *District of Columbia Metro. Police Dep’t and Fraternal of Police, Metro. Police Dep’t Labor Comm. (Grievance of Angela Fisher)*, 51 D.C. Reg. 4173, Slip Op. No. 738 PERB Case No. 02-A-07 (2004). Moreover, the “Board will not substitute its own interpretation or that of the Agency for that of the duly designated arbitrator.” *District of Columbia Department of Corrections and International Brotherhood of Teamsters, Local Union 246*, 34 D.C. Reg. 3616, Slip Op. No. 157, PERB Case No. 87-A-02 (1987).

The Board has used the following test to determine whether an Arbitrator has exceeded his jurisdiction and was without authority to render an award: “whether the Award draws its essence from the collective bargaining agreement.” *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012)



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(quoting *D.C. Public Schools v. AFSCME, District Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156, PERB Case No. 86-A-05 (1987)). See also *Dobbs, Inc. v. Local No. 1614, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America*, 813 F.2d 85 (6th Cir. 1987). The U.S. Court of Appeals for the Sixth Circuit in *Michigan Family Resources, Inc. v. Service Employees International Union Local 517M*, has explained what it means for an award to “draw its essence” from a collective bargaining agreement by stating the following standard:

[1] Did the arbitrator act ‘outside his authority’ by resolving a dispute not committed to arbitration?; [2] Did the arbitrator commit fraud, have a conflict of interest or otherwise act dishonestly in issuing the award?; “[a]nd [3] [I]n resolving any legal or factual disputes in the case, was the arbitrator arguably construing or applying the contract”? So long as the arbitrator does not offend any of these requirements, the request for judicial intervention should be resisted even though the arbitrator made “serious,” “improvident” or “silly” errors in resolving the merits of the dispute.

475 F.3d 746, 753 (6th Cir. 2007). See *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012).

In the present case, MPD does not dispute that the issue before the Arbitrator was the appropriateness of the Grievant’s penalty, which was a joint issue presented by the Parties to the Arbitrator. In addition, MPD does not allege that there was any fraud, conflict of interest, or an act of dishonesty by the Arbitrator. Therefore, the issue to be determined is whether the Arbitrator was arguably construing or applying the CBA. The contract was presented to the Arbitrator in its entirety. Since MPD and FOP dispute the language of different provisions of the contract as to the what is considered the record before the Panel, the Arbitrator’s decision can arguably be construed to have arisen from her interpretation of the contract. The Arbitrator’s decision to look at information of similarly situated employees as persuasive information in *Douglas* factor analysis, including disciplinary actions prior to and after the Grievant’s Panel hearing, is arguably construing and/or applying the contract.

In addition, the Board has held that an arbitrator does not exceed her authority by exercising her equitable power, unless it is expressly restricted by the parties’ collective bargaining agreement. See *District of Columbia Metropolitan and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 39 D.C. Reg. 6232, Slip Op. No. 282, PERB Case No. 92-A-04 (1992). See also *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012) (upholding an arbitrator’s award when the arbitrator concluded that MPD had just cause to discipline grievant, but mitigating the penalty, because it was excessive). Furthermore, the Supreme Court held in *United Steelworkers of America v. Enterprise Wheel & Car Corp.*, that arbitrators bring their “informed judgment” to bear on the interpretation of collective bargaining agreements, and that is “especially true when it comes to formulating remedies.” 363 U.S. 593, 597 (1960).

MPD has not provided any provision of the Parties’ CBA that restricted the Arbitrator’s

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exercise of equitable power. Further, the Arbitrator's decision to consider persuasive cases of other employees' disciplinary actions in determining the reasonableness of the Grievant's termination was within her equitable powers. The Board finds that MPD's Request is merely a disagreement with the Arbitrator's findings and conclusions. The Board has previously stated that a "disagreement with the Arbitrator's interpretation . . . does not make the award contrary to law and public policy." *District of Columbia Metropolitan and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, Slip Op. No. 933, PERB Case No. 07-A-08 (2008) (quoting *AFGE, Local 1975 and Dept. of Public Works*, 48 D.C. Reg. 10955, Slip Op. No. 413, PERB Case No. 95-A-02 (1995)).

MPD's arbitration review request on the grounds that the Arbitrator exceeded her authority when she considered subsequent disciplinary actions of other employees for *Douglas* factor analysis is denied.

2. The Arbitrator's award is not facially contrary to any law.

MPD argues that the Arbitrator's award is facially contrary to law, because the Arbitrator "misinterpreted the well-settled law governing disparate treatment claims." (Request at 10). MPD contends that the Arbitrator misinterpreted disparate treatment analysis of the *Douglas* factors, by considering the discipline of two other employees who were not actually similarly situated to the Grievant. *Id.* MPD asserts that the Grievant and the subsequent, disciplined employees worked under different Chiefs of Police and, therefore, worked under different administrations and different disciplinary policies, which made the employees differently situated to the Grievant. (Request at 11). MPD does not provide in its Request any particular disciplinary policy or contact provision that gave rise to its purported change in disciplinary policy.

In order to find that an arbitrator's award is facially contrary to law, the asserting party bears the burden to specify the "applicable law and definite public policy that mandates that the Arbitrator arrive at a different result." *District of Columbia Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 11329, Slip Op. No. 1295, PERB Case No. 09-A-11 (2012); *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 47 D.C. Reg. 717, Slip Op. No. 633, PERB Case No. 00-A-04 (2000). In its Request, MPD does not cite any particular relevant statute or applicable PERB caselaw in its argument that the Arbitrator misinterpreted any law on its face. The Board finds that MPD's ground for review only involves a disagreement with the Arbitrator's findings and conclusion. Therefore, MPD has not met its burden.

3. The Arbitrator's award is not contrary to public policy.

MPD argues that the Arbitrator's use of the subsequent disciplinary actions to prove disparate treatment contravenes public policy. (Request at 11). MPD relies upon the Federal Rules of Evidence that bar the admissibility of subsequent remedial measures to prove culpability. (Request 11-12). MPD reasons "public policy would caution against permitting evidence of subsequent disciplinary actions taken under a new administration to show disparate

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treatment because permitting such evidence would discourage a new administration from changing its disciplinary policy—such as, for example, reducing the penalty for a particular type of misconduct.” (Request at 12). Further, MPD contends that the Arbitrator’s use of “subsequent disciplinary decisions to evaluate whether a penalty is reasonable contravenes the well-defined public policy ‘encouraging people to take, or at least not discouraging them from taking, steps in further of added safety.’” (Request at 11) (quoting *Mahnke v. Washington Metro. Area Transit Authority*, 821 F.Supp.2d 125 (D.D.C. 2011)).

The review of an arbitration decision on the basis of public policy is an “extremely narrow” exception to the rule that reviewing bodies must defer to an arbitrator’s ruling. “[T]he exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy.” *Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012) (quoting *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F. 2d 1, 8 (D.C. Cir. 1986)). A petitioner must demonstrate that an arbitration award “compels” the violation of an explicit, well defined, public policy grounded in law and or legal precedent. See *United Paperworks Int’l Union, AFL-CIO v. Misco, Inc.*, 484 U.S. 29 (1987). Moreover, the violation must be so significant that the law or public policy “mandates that the Arbitrator arrive at a different result.” *Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 47 D.C. Reg. 717, Slip Op. No. 633, PERB Case No. 00-A-04 (2000). Further, as stated above, the petitioning party has the burden to specify “applicable law and definite public policy that mandates that the Arbitrator arrive at a different result.” *Id.* See also *District of Columbia Public Schools and American Federation of State, County and Municipal Employees, District Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156, PERB Case No. 86-A-05 (1987).

In its argument that the admission of evidence of subsequent disciplinary actions of other employees is against public policy, MPD argues that the Board should extend the public policy behind federal evidentiary rules barring admissibility of evidence of subsequent remedial measures to an arbitrator’s consideration of subsequent discipline of comparison employees. MPD’s argument fails on several grounds. First, an arbitration proceeding is generally not bound by the Federal Rules of Evidence, and there is no evidence in record that the Parties were bound by these Rules. Second, the *Manhke* case that MPD cites in its Request does not support MPD’s proposition. The court in *Mahnke* stated:

The Court cautions, however, that Rule 407 [Subsequent Remedial Measures] “does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as ... impeachment.” FED.R.EVID. 407. The purpose of Rule 407 is to encourage remedial measures, but it is not to be used by a party to disavow its own findings or take positions inconsistent with its past representations.

821 F.Supp.2d at 152. In the present case, the information concerning subsequently disciplined employees was not used by the Arbitrator to determine negligence or culpability of the Grievant’s actions. The Arbitrator considered the evidence for another purpose, which was to determine a reasonable penalty. Consequently, the Board finds that MPD has not asserted a

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public policy exception to the Arbitrator's use of evidence of subsequent disciplinary actions other employees for the purposes of penalty determination.

Further, MPD argues the Arbitration Award is contrary to law and public policy because the Arbitrator applied subsequent administrative adjudications retroactively. (Request at 12). MPD argues that the "Panel's decisions are arguably administrative adjudications with precedential effect, those decisions do not apply retroactively to closed cases." (Request at 13). MPD has not stated any particular statute, regulation, departmental policy, or contractual provision, the interpretation of which would bar the Arbitrator's consideration of employees, who were disciplined after the Grievant's termination, as persuasive information for *Douglas* factor analysis. The Board finds that MPD fails to meet its burden that the Award is contrary to public policy.

### III. Conclusion

The Board has reviewed the Arbitrator's conclusions, the pleadings of the parties and applicable law, and concludes that the Award on its face is not contrary to law and public policy and therefore we lack the authority to grant the requested review.

### ORDER

#### IT IS HEREBY ORDERED THAT:

1. The District of Columbia Metropolitan Police Department's Arbitration Review Request is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

February 21, 2013

CERTIFICATE OF SERVICE

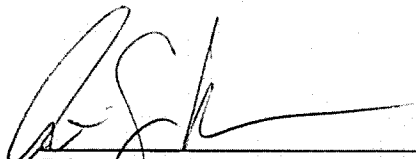
This is to certify that the attached Decision and Order in PERB Case 12-A-04 was transmitted via U.S. Mail to the following parties on February 22, 2013.

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U.S. MAIL

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Public Employee Relations Board  
1100 4th Street, SW  
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Washington, DC 20024  
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Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
Teamsters Local Union No. 730, a/w	)	
International Brotherhood of Teamsters	)	
	)	PERB Case No. 13-RC-02
Petitioner,	)	
	)	Opinion No. 1367
v.	)	
	)	
District of Columbia	)	
Water and Sewer Authority,	)	
	)	
Respondent.	)	

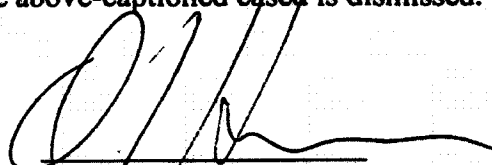
**EXECUTIVE DIRECTOR'S ADMINISTRATIVE DISMISSAL**

On January 17, 2013, Teamsters Local Union No. 730, a/w International Brotherhood of Teamsters ("Petitioner") filed a Petition for Recognition ("Petition") for "all individuals employed on a full-time basis at the District of Columbia Water and Sewer Authority (the 'Authority') in the Foreman and Supervisor classifications." (Petition at 1).

The Petition did not include the requisite showing of interest. Pursuant to Board Rule 501.13, the Director notified the Petitioner of the deficiencies to be cured via letter, dated January 28, 2013. The Petitioner was provided ten (10) days from receipt of the letter to provide the requisite showing of interest at the PERB office. No showing of interest was ever received in the PERB office.

Pursuant to Board Rule 501.13, the Petition in the above-captioned case is dismissed.

*February 20, 2013*  
Date

  
Ondray T. Harris  
Executive Director

**D.C. CORRECTIONS INFORMATION COUNCIL****NOTICE OF PUBLIC MEETING**

The DC Corrections Information Council (CIC), in accordance with the D.C. Official Code §1-207.42 and § 2-575, hereby gives notice that it has scheduled the following meeting: **March 12, 2013 beginning at 6:30 pm.** The Meeting will be held at the **Martin Luther King Jr. Library** located at 901 G Street Northwest, Washington, DC 20001 **Conference Room 221**. For additional information, please contact Cara Compani, CIC Program Analyst, at (202)445-7623 or DC.CIC@dc.gov.

The CIC is an independent monitoring body mandated to inspect and monitor conditions of confinement at facilities operated by the Federal Bureau of Prisons (BOP), D.C. Department of Corrections (DOC) and their contract facilities where D.C. residents are incarcerated. Through its mandate the CIC will collect information from many different sources, including site visits, and report its observations and recommendations.

Below is the draft agenda for this meeting. A final agenda will be posted on the CIC's website, available at <https://sites.google.com/a/dc.gov/cic/>.

**DRAFT AGENDA**

- I. Call to Order (Board Chair)
- II. Roll Call (Board Chair)
- III. FCI Fairton
- IV. Hope Village
- V. FCI Manchester & USP McCreary
- VI. USP Beaumont
- VII. Virginia Regional Jails: Northern Neck and Piedmont
- VIII. FCI Manchester & USP McCreary
- IX. Video Visitation at D.C. Jail
- X. CIC Budget Oversight Hearing
- XI. Community Outreach Internship
- XII. Questions/Comments
- XIII. Schedule Next CIC Open Meeting and Set Open Meeting Schedule
- XIV. Vote to Close Remainder of Meeting, pursuant to DC Code 2-574(c)(1)
- XV. Closed Session of Meeting (if approved by majority of CIC Board)
- XVI. Adjournment (Board Chair)

**CLOSED MEETING**

- I. Closed Session of Meeting (if approved by majority of CIC Board)
- II. Adjournment (Board Chair)

## SERVE DC

## CALL FOR COMMUNITY GRANT REVIEWERS

## 2013 AmeriCorps State Formula Grant Competition

Serve DC – The Mayor’s Office on Volunteerism is seeking individuals to review grant applications for the 2013 AmeriCorps State Formula Grant Competition. This is an excellent opportunity to network with colleagues in the national service field, learn more about the grant-making process, develop your own grant-writing skills, and contribute your knowledge and experience to Serve DC’s efforts to select high-quality Washington, DC-based programs for AmeriCorps funding.

**What does a grant reviewer do?** Grant reviewers will help to evaluate grant applications for the 2013 AmeriCorps State Formula Grant Competition. Reviewers read, score and evaluate applications, and discuss their findings with a small group of fellow reviewers and a facilitator. The panel then comes to consensus to rank the applications according to quality and recommend them for the next level of review.

**What qualifications should reviewers have?** Serve DC is looking for a diverse group of reviewers--males and females of all ages, races and ethnicities--that have experience with national service or community-based programs, and grant writing. For example, reviewers may be community service practitioners, educators, college students, national service alumni, people working in foundations, or individuals working on public policy issues. *Preference will be made to applicants who have experience in writing or reviewing federal grants and/or writing or managing performance measures.*

Reviewers must be comfortable reading a large volume of material in a short period of time and providing analysis in a small group setting.

**Can members currently serving in AmeriCorps or any other streams of service serve as reviewers?** No, you must have completed your AmeriCorps service before being selected as a reviewer. Alumni of AmeriCorps programs are strongly encouraged to apply to serve as reviewers. AmeriCorps members must have completed service by April 1, 2013.

**Can people who work for a Corporation for National and Community Service-funded program serve as a reviewer?** Yes, people who work for organizations affiliated with AmeriCorps, Senior Corps, or other national service programs may serve as reviewers. For instance, an individual who works for an organization that hosts a VISTA volunteer may review AmeriCorps applications. However, people cannot serve as a reviewer for the AmeriCorps Competitive competition if they work for an organization that is being considered for funding in this competition.

**What is the time commitment?** Reviewers must be available on **Monday, April 15, 2013 from 4:30pm to 5:30pm and Monday, May 6, 2013, 9:00am to 12:00pm; this session may run later depending on the number of applications received.** Reviewers will participate in an evening training session on **Monday, April 15, 2013**, and a consensus review session on



**Monday, May 6, 2013.** The period between training and consensus session will be dedicated to reviewing and scoring the applications.

**What are the benefits to reviewers?** The grant review experience is an excellent opportunity to meet and network with colleagues in the national service field: 1) find out about exciting programming and trends in national service; 2) develop a deeper understanding of the grant-writing and grant-making processes; 3) and contribute experience to the selection of high-quality programs for the District of Columbia. **This is a volunteer opportunity.**

**How does one apply to become a reviewer?** To apply, please forward your resume to: Sarah Watkins, Serve DC – The Mayor’s Office on Volunteerism, 2000 14<sup>th</sup> Street, NW, Suite 101, Washington, DC 20009 or e-mail [sarah.watkins@dc.gov](mailto:sarah.watkins@dc.gov). Please share this announcement with others who are qualified reviewers.

**Is there a deadline to apply?** Yes. Please submit resumes as soon as possible, but no later than 5pm on **Friday, March 29, 2013** for consideration. We will begin reviewing resumes as they arrive.

**What are the next steps after submitting a resume?** Serve DC will review resumes and begin contacting qualified applicants. We will check for conflicts of interest and confirm availability at that time.

Sarah Watkins  
Serve DC – The Mayor’s Office on Volunteerism  
Frank D. Reeves Municipal Center  
2000 14th Street, NW, Suite 101  
Washington, DC 20009  
[sarah.watkins@dc.gov](mailto:sarah.watkins@dc.gov)  
(202) 727-7937

**SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

**Montessori Instructional Materials, Classroom Equipment and Furnishings**

The Shining Stars Montessori Academy Public Charter School solicits proposals for Montessori Instructional Materials, Classroom Equipment and Furnishings.

The full text of the request for proposals can be obtained by e-mailing Mr. Ayize Sabater at [ayize@shiningstarsdc.org](mailto:ayize@shiningstarsdc.org).

Email questions to [ayize@shiningstarsdc.org](mailto:ayize@shiningstarsdc.org) with the subject line as "RFP Questions."

**Deadline for submissions is March 15, 2013.**

Please mail proposals and supporting documents to the following address:

Mr. Ayize Sabater  
Shining Stars Montessori Academy Public Charter School  
1328 Florida Avenue Annex, NW  
Washington, DC 20009

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DC TAXICAB COMMISSION**

**NOTICE OF GENERAL COMMISSION MEETING**

The District of Columbia Taxicab Commission will be holding its regularly scheduled General Commission Meeting on Wednesday, March 13, 2013 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. A speaker should also submit two (2) copies of any prepared statement to the Assistant Secretary to the Commission. Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6012. Registration consists of your name; your phone number or email contact; and your subject matter.

**DRAFT AGENDA**

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**WASHINGTON LATIN PUBLIC CHARTER SCHOOL  
REQUESTS FOR PROPOSALS**

**Commercial Real Estate Brokerage Services**

Washington Latin invites all interested parties to submit proposals to market and sublease their facility at 4115 16<sup>th</sup> Street NW. Washington Latin leases a portion (the school building) of the larger church site. Proposals are due no later than 12:00 PM on Wednesday, March 13, 2013. The complete RFP can be obtained by contacting [wlrfo@bhope.org](mailto:wlrfo@bhope.org).

**WASHINGTON YU YING PUBLIC CHARTER SCHOOL****REQUESTS FOR PROPOSALS****Architect**

Washington Yu Ying PCS is considering expanding its current building and is seeking competitive bids for an architect. Proposals must include suggested rates, evidence of experience, and references. Deadline for submissions is close of business March 25, 2013. Please e-mail proposals and supporting documents to [rfp@washingtoneyu.org](mailto:rfp@washingtoneyu.org). Washington Yu Ying PCS reserves the right to cancel this RFP at any time.

**Borrower's Counsel & Real Estate Legal Services**

Washington Yu Ying PCS is considering refinancing its debt and is seeking competitive bids for a Borrower's Counsel and Transactional Real Estate Legal Services. Proposals must include suggested rates, evidence of experience, and references. Washington Yu Ying PCS reserves the right to cancel this RFP at any time.

Deadline for submissions is close of business March 25, 2013. Please e-mail proposals and supporting documents to [rfp@washingtoneyu.org](mailto:rfp@washingtoneyu.org).

**Immigration Services**

Washington Yu Ying invites all interested parties to submit proposals to provide immigration processing services to teachers and staff. Services would include processing visa petitions, tracking and reporting on the status of employees, and managing immigration issues and questions. Please send proposals to [RFP@washingtoneyu.org](mailto:RFP@washingtoneyu.org) no later than 5:00 p.m. March 25, 2013.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, March 13, 2013 at 9:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dcwater.com](mailto:لمانley@dcwater.com).

**DRAFT AGENDA**

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|------------------------------------------------|---------------------------------|
| 1. Call to Order                               | Chairperson                     |
| 2. Government Affairs: Update                  | Government Relations<br>Manager |
| 3. Emerging Issues                             | Chairperson                     |
| 4. Agenda for Upcoming Committee Meeting (TBD) | Chairperson                     |
| 5. Adjournment                                 | Chairperson                     |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, March 13, 2013 at 9:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dcwater.com](mailto:لمانley@dcwater.com).

**DRAFT AGENDA**

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| 5. Adjournment                                 | Chairperson                     |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT  
441 4<sup>TH</sup> STREET, N.W.  
SUITE 200-SOUTH  
WASHINGTON, D.C. 20001**

**PUBLIC NOTICE OF CLOSED MEETING**

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), I move that the Board of Zoning Adjustment hold closed meetings telephonically on Monday, March 4<sup>th</sup>, 11<sup>th</sup>, and 25<sup>th</sup> beginning at 4:00 pm for the purpose of obtaining legal advice from our counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's agendas for March 5<sup>th</sup>, 12<sup>th</sup> and 26<sup>th</sup>.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, NICOLE C. SORG, VICE CHAIRPERSON, S. KATHRYN ALLEN, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.**



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18487 of Jonathan Grossman**, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure requirements under subsection 2001.3, to allow an addition to an existing flat in the DC/R-5-B District at premises 1751 18th Street, N.W. (Square 153, Lot 95).<sup>1</sup>

**HEARING DATES:** January 13 and February 26, 2013  
**DECISION DATE:** February 26, 2013

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated October 15, 2012, from the Zoning Administrator which stated that a review of plans for the subject property indicates that Board of Zoning Adjustment (“Board” or “BZA”) approval is needed for variances from §§ 2001.3, 403.2, and 404.1.<sup>2</sup> (Exhibit 5.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report in support of the application. The ANC’s report dated December 16, 2012, indicated that at a regularly scheduled, duly noticed public meeting on December 12, 2012, the ANC, with a quorum present, voted on a resolution to support the application by a vote of 9-0. (Exhibit 25, 31, and 33L.) The Office of Planning (“OP”) submitted a report in partial support of the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) submitted a report of “no objection.” (Exhibit 26.) Seven letters of support from neighbors were submitted for the record. (Exhibits 33M and 30.)

**Variance Relief:**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of

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<sup>1</sup> The application was advertised as needing variances for an addition to a row dwelling. During the course of the hearing, the Board came to understand that the existing building is used as a flat. The caption has been changed to reflect that use. The variance relief needed is the same whether the building is a flat or a row dwelling.

<sup>2</sup> Subsequently, the Applicant through his general contractor submitted a revised application and a self-certification form (Form 135). (Exhibit 24.)

BZA APPLICATION NO. 18487

PAGE NO. 2

proving the elements that are necessary to establish the case, pursuant to § 3103.2, for an area variance from §§ 402, 403, 404 and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC

reports filed in this case, the Board concludes that in seeking a variance from §§ 402, 403, 404 and 2001.3, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, (pursuant to Exhibit 37 – Plans), be **GRANTED**.

**VOTE:**           **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Nicole C. Sorg, Jeffrey L. Hinkle, and Peter G. May to APPROVE.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 28, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 18487

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PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18504 of Marvin Lytle, Jr.**, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under subsection 401.3, to allow the construction of a new one-family semi-detached dwelling, in the R-2 District at premises 1030 Taussig Place, N.E. (Square 3890, Lot 35).

**HEARING DATE:** February 26, 2013  
**DECISION DATE:** February 26, 2013

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. The ANC did not submit a report in this application. The Office of Planning (“OP”) submitted a report in support of the application. The Department of Transportation submitted a report of no objection to the application. A neighbor testified in support of the application.

Variance

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 401.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 401.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 10 – Plans) is hereby **GRANTED**.

BZA APPLICATION NO. 18504

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**VOTE: 5-0-0** Lloyd J. Jordan, Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle and Peter G. May to Approve.

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 27, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 02-38C  
Z.C. CASE NO. 02-38C**

**Waterfront Associates LLC and the District of Columbia  
(Time Extension for First-Stage PUD for West M Street Office Building and Northeast  
Building @ Square 542, Record Lot 89)  
November 14, 2012**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on November 14, 2012. At the meeting, the Commission approved requests from Waterfront 425 M Street, LLC ("Waterfront") and the District of Columbia ("District") (collectively, the "Applicants") for a time extension for an approved first-stage planned unit development ("PUD") for property consisting of Record Lot 89<sup>1</sup> in Square 542 (the "Property"), pursuant to Chapters 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

**FINDINGS OF FACT**

1. By Z.C. Order No. 02-38A, the Commission approved a modification to a first-stage PUD ("First-Stage PUD"), a second-stage PUD ("Second-Stage PUD") and a zoning map amendment for the Property. The First-Stage PUD provides for the development of eight buildings including residential, office, and ground-floor retail uses and includes significant open spaces as well as the re-opening of the 4<sup>th</sup> Street right-of-way. The Second-Stage PUD includes the four buildings through the center of the Property and their adjacent open spaces. These four buildings include the East and West 4<sup>th</sup> Street Office Buildings with ground-floor retail space including a Safeway grocery store flanking the east and west side of 4<sup>th</sup> Street and the East and West Residential Towers which have a continuous open space connecting them to 4<sup>th</sup> Street. Z.C. Order No. 02-38A became effective upon its publication in the *D.C. Register* on January 25, 2008.
2. Condition No. 28 of Z.C. Order No. 02-38A approved the Second-Stage PUD for a period of two years from the effective date of the order, which was January 25, 2008. Within such time, the Applicant was required to file for a building permit as specified in 11 DCMR § 2409.1. Construction must begin within three years of the effective date of the Order.
3. Condition No. 29 of Z.C. Order No. 02-38A provides that the approval for the First-Stage PUD is valid for a period of five years from the effective date of the order (i.e., January 25, 2008). Accordingly, by January 25, 2013, the second-stage PUD application(s) for the Northwest Building, the Northeast Building, and the West M Street Building must be filed. These second-stage applications could be submitted individually, at the same time, or in any combination thereof. The timeframe for filing the second-stage PUD application for the East M Street Building is separate and is based upon the date that

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<sup>1</sup> Record Lot 89 in Square 542 has been divided into Lots 822 through Lot 834 for assessment and taxation purposes.

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Z.C. CASE NO. 02-38C  
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Safeway vacated the premises, which was April 15, 2010. Accordingly, the second-stage PUD application for the East M Street Office Building must be filed by April 15, 2015.

4. Building permits for the East and West 4<sup>th</sup> Street Office Buildings were issued on or around July 17, 2008. Construction commenced in September 2008.
5. By Z.C. Order No. 02-38B, the Commission approved a two-year extension of the Second-Stage PUD with respect to the East and West Residential Buildings. That order required that the applicant file for a building permit no later than January 25, 2012, and commence construction by January 25, 2013. The developer of those buildings filed building permits for both the East and West Residential Buildings in advance of January 25, 2012. Construction has commenced on both the East and West Residential Buildings.
6. Through a letter dated and received on June 21, 2012, the Commission received two documents: (1) Request for Extension of Time for First-Stage PUD Approval of West M Street Office Building submitted by Waterfront 425 M Street, LLC; and (2) Request for Extension of Time for First-Stage PUD Approval of Northeast Building submitted by the District of Columbia. Each request sought to extend the validity of the First-Stage PUD approval for a period of approximately two years and three months to coincide with the timeframe for the East M Street Office Building. The requests, if approved, would require that a second-stage PUD application for the West M Street Office Building and the Northeast Building must be filed no later than April 15, 2015. In the event that a second-stage application is filed for only one of the buildings by April 15, 2015, the first-stage approval would only expire as to the building for which no second-stage application was made.
7. Waterfront submitted evidence that it has faced great difficulty securing initial financing for the development of the West M Street Office Building. This difficulty is due to the very limited market for initial financing of office buildings and requirements for substantial preleasing to obtain financing, which was supported by a letter from Steven Kurland, Senior Vice President of Forest City Financial Corporation. Waterfront also presented evidence of the numerous steps it has taken to actively market the West M Street Office Building to potential tenants as well as evidence of high vacancy rates which further hinder Waterfront's ability to secure the required preleasing.
8. The District presented evidence as to the issues associated with the delay for moving forward with the second-stage PUD for the Northeast Building. Specifically, the District experienced initial delays in moving forward with development of the Northeast Building due to the dissolution of the RLA Revitalization Corporation and subsequent transfer of the project and related responsibilities to the District. In addition, the significant changes to the economic and financial markets resulted in further delay, especially with the proposed levels of affordability for the project and the shrinking budgets in the District.

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9. The Applicants served a copy of the request on all parties (including Advisory Neighborhood Commission (“ANC”) 6D, Tiber Island Cooperative Homes, Inc., and Carrollsburg Square Condominium Association) on June 21, 2012.
10. Through letters dated July 12, 2012, Waterfront and the District separately requested a postponement of the Commission's consideration of their requests in order to provide additional time to work with and present to ANC 6D.
11. On September 14, 2012, the Office of Planning (“OP”) submitted a report supporting the application. (Exhibit [“Ex.”] 9.)
12. On September 24, 2012, ANC 6D submitted a letter in opposition to the application, identifying, among other items, concerns with the existing conditions of the Property and the current leasing and marketing efforts for the development. (Ex. 10.) Waterfront filed a letter in response to this letter. (Ex. 11.)
13. At its public meeting on September 24, 2012, the Commission considered the requests. The Commission requested that the Applicants continue to work with ANC 6D to address its concerns and to address questions raised by the Commission, including the expected timeframe for the District moving forward with the Northeast Building.
14. On October 12, 2012, the District submitted a letter to the Commission responding to the requested clarifications. ANC 6D filed a resolution dated October 15, 2012, removing its opposition and supporting the requested extension. (Ex. 13.) Waterfront submitted a letter summarizing its work with ANC 6D and reiterating how the application meets the burden of proof. (Ex. 14.)
15. The Commission finds that the Applicants cannot move forward at this time with a second-stage PUD application for either the West M Street Office Building or the Northeast Building, despite the Applicants’ diligent, good faith efforts, because of changes in the economic and market conditions beyond the Applicants’ control.

### **CONCLUSIONS OF LAW**

1. Subsection 2407.10 of the Zoning Regulations authorizes the Commission to extend the time period of a first-stage PUD, but does not described the process or standard the Commission is to follow when deciding whether to do so. However, the Commission in the past has applied the process and standard stated in the Regulations for extending a second-stage or consolidated PUD order (“Final PUD Order”). (*See* Z.C. Order No. 05-28H, *Lano Parcel 12 LLC, Parkside Residential LLC, Parkside Homes LLC and Parkside*



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*Senior Housing LLC* (2011); Z.C. Order No. 02-51B, *Center for Strategic and International Studies, Inc.* (2009).)

2. Those provisions authorize the Commission to extend the validity of a Final PUD Order for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond; (b) there is no substantial change in any material fact upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the applicant demonstrates with substantial evidence that there is good cause for such extension as provided in § 2408.11. (11 DCMR § 2408.10.) Subsection 2408.11 provides the following criteria for good cause shown: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.
3. The Commission concludes that the Applicants complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the requests and allowing them 30 days to respond.
4. The Commission concludes there has been no substantial change in any material fact that would undermine the Commission's justification for approving the original PUD.
5. The Commission finds that the Applicants presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a). Specifically, Waterfront has been unable to obtain sufficient project financing or required pre-leasing for the West M Street Office Building, following Waterfront's diligent good faith efforts, because of changes in economic and market conditions beyond Waterfront's reasonable control. Furthermore, the District has been unable to fund the initial development of the Northeast Building, following the District's diligent good faith efforts, because of changes in economic and market conditions beyond the District's reasonable control.
6. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11.

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7. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.
8. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.
9. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. The Commission carefully considered the issues and concerns in the ANC's letter dated September 24, 2012, requested that the Applicants continue to work with the ANC to address them, and deferred action to allow this process to occur. The ANC subsequently filed a letter stating that it supported the requested extension. The Commission considered this support in its deliberations, and the Commission has provided the great weight to which the ANC is entitled.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicants met the requisite standards for a PUD extension, and therefore recommended that the Commission approve the requested extension. The Commission considered OP's report, and has given OP's recommendation great weight in approving this requests.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the requests for a two year and three month time extension for the First-Stage PUD approval of the West M Street Office Building and the Northeast Building approved in Z.C. Case No. 02-38A. The First-Stage PUD for these two buildings approved by the Commission shall be valid until April 15, 2015, within which time second-stage PUD applications shall be filed. These second-stage applications may be submitted individually or at the same time. In the event that a second-stage application is filed for only one of the buildings by April 15, 2015, the first-stage approval shall only expire as to the building for which no second-stage application was made

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal

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appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 14, 2012, upon the motion made by Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not present, not voting).

In accordance with the provisions of 11 DCMR §3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 8, 2013.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 10-03A**  
**Z.C. Case No. 10-03A**  
**Parcel Seven Associates, LLC**  
**(Two-Year PUD Time Extension @ Square 912, Lot 55)**  
**January 10, 2013**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on January 14, 2013. At the meeting, the Commission approved a request on behalf of Parcel Seven Associated, LLC (the "Applicant") for a two-year extension of time period in which to file a building permit for the construction of a mixed-use development composed of retail and residential uses, which was approved in Z.C. Order No. 10-03.

**FINDINGS OF FACT**

1. On February 25, 2010, the Applicant filed an application seeking preliminary and consolidated approval of a planned unit development ("PUD") for Lot 55 in Square 912. The property is presently zoned C-2-B and is located within the H Street Northeast Commercial Overlay District.
2. The property has a land area of approximately 87,053 square feet, which is approximately two acres, and is located in the northeast quadrant of the District. The property is located on the south side of H Street, between 8<sup>th</sup> and 10<sup>th</sup> Streets, N.E., and is presently improved with the one-story "H Street Connection" strip retail development, which has a gross floor area of approximately 37,992 square feet.
3. The project will be a mixed-use development composed of retail and residential uses. The overall project will have a density of 5.0 floor area ratio ("FAR"), less than the maximum permitted of 6.0 FAR under the C-2-B PUD requirements, and will include approximately 380,560 square feet of residential uses, comprising 284 units plus or minus 10% and approximately 51,420 square feet of retail uses. The building will have varying heights and cornice lines and will be constructed to a maximum height of 90 feet with a maximum of eight stories. The project will have an overall lot occupancy of approximately 70%. A total of 405 off-street parking spaces will be provided in a below-grade parking garage, with approximately 340 spaces for residential use and 65 spaces for commercial use.
4. Pursuant to Z.C. Order No. 10-03 (the "Order"), the Commission granted consolidated PUD approval for the construction of a mixed-used development composed of retail and residential uses on the property. The Order became effective upon publication in the *D.C. Register* on January 14, 2011. The Order requires the Applicant to file a building permit application for the first phase of the development no later than January 14, 2013. Construction of the first phase must begin no later than January 14, 2014.
5. By letter dated and received by the Commission on December 4, 2012, the Applicant filed a request for extension in which to file a building permit for the construction of the

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development such that an application for a building permit must be filed no later than January 14, 2015, and construction must be started no later than January 14, 2016.

6. The Office of Planning ("OP") submitted a report dated January 4, 2013 indicating that the Applicant meets the standards of § 2408.10 and 2408.11 of the Zoning Regulation. OP thus recommended that the Commission approve the requested two-year PUD extension. (Exhibit ["Ex.,"] 8.)
7. Advisory Neighborhood Commission ("ANC") 6A submitted a letter dated January 12, 2013 indicating that at the regularly scheduled meeting ANC 6A voted 8-0 in support of the requested extension. (Ex. 9.)
8. As to the merits, the Applicant submitted evidence that the project has experienced delay beyond the Applicant's control. The Applicant has taken many steps to move forward with the development which is the subject of this application, including the following:
  - Working diligently with various existing retailers currently in operation at the property to renegotiate their existing leases in a manner feasible to all parties that will enable development of the site. The Applicant has reached agreements with Marvelous Pizza, Ann's Nails, Dana Jewelry, Game Stop, McDonalds, and Tony Pham Pizza, and is continuing its efforts with the remaining tenants, including, for example, 7-Eleven;
  - Engaged in discussions with numerous potential lenders to finance the project and brokers to market the project. For example, CBRE has provided market research that the Applicant presented to potential development partners, lenders, and private equity groups;
  - Sought funding from a number of institutional lenders and capital sources indirectly through Walker & Dunlop, LLC and The Ackman-Ziff Real Estate Group, both of which have worked with the Applicant on other projects;
  - Engaged in discussions with a number experienced residential developers, including William C. Smith + Co., Archstone, The Bozzuto Group, and ROSS Development & Investment, to determine their interest in partnering to develop the project; and
  - Spent approximately \$890,000 in preparing the necessary plans and securing PUD approval.
9. Despite these substantial efforts, and as the Commission has recognized in approving recent extension requests, the real estate market has been subject to, and continues to

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suffer from, severe financing, construction, and leasing impediments. The Applicant has worked with Walker & Dunlap, LLC, one of the leading commercial real estate finance companies in the United States, with a primary focus on multi-family lending, in an attempt to secure financing for the project. However, due to continuing economic conditions, those efforts have been unsuccessful. Although a number of projects have been able to secure financing, the multi-family sector has continued to be sluggish and uncertain due to a number of factors, including political and economic uncertainties, depressed leasing activity, increased vacancy rates, and slow new hiring.

10. Thus, the Commission finds that the approved development cannot move forward at this time, despite the Applicant's diligent, good faith efforts, because of changes in the economic and market conditions beyond the Applicant's control. Indeed, no segment of the real estate market has escaped the frozen credit markets, including retail and residential projects. Moreover, although a number of projects have been able to progress, development of new buildings in emerging neighborhoods in the Washington, DC area has stalled. In addition, a number of potential investors have expressed concern with the potential over-supply of the residential market given the impending delivery of hundreds of new residential units over the next 12-18 months in the same neighborhood. Nevertheless, the recovery is expected to continue, with the District among the leading markets in the country. Therefore, the Commission finds that this request for extension satisfies the sole criterion for good cause shown as set forth in § 2408.11(a) of the Zoning Regulations.

### CONCLUSIONS OF LAW

1. The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond; (b) there is no substantial change in any material fact upon which the Zoning Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the applicant demonstrates with substantial evidence that there is good cause for such extension as provided in § 2408.11. (11 DCMR § 2408.10.) Subsection 2408.11 provides the following criteria for good cause shown: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.

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2. The Commission concludes that the application complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission concludes there has been no substantial change in any material fact that would undermine the Commission's justification for approving the original PUD.
4. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. By letter dated January 12, 2013, ANC 6A indicated that ANC 6A voted 8-0 to recommend that the Commission grant the full two-year extension requested by the Applicant, such that an application must be filed for a building permit no later than January 14, 2015 and construction must start no later than January 14, 2016. The Commission carefully considered the ANC's recommendation in its deliberations, and has given ANC 6A's recommendation great weight in approving this application.
5. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicant meets the extension standards of the Zoning Regulations, and therefore recommended that the Commission approve the requested extension. The Commission carefully considered OP's recommendation in its deliberations and has given OP's recommendation great weight in approving this application.
6. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a) and (b). Specifically, the Applicant has been unable to obtain sufficient project financing for the PUD, following the Applicant's diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant's reasonable control. In addition, the Applicant was unable to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the Applicant's reasonable control.
7. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11.
8. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.

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9. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year time extension of the validity of Z.C. Order No. 10-03, such that an application must be filed for a building permit for the PUD no later than January 14, 2015, and construction must start no later than January 14, 2016.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On January 14, 2013, upon the motion made by Commissioner Turnbull as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 8, 2013.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 11-24**  
**Z.C. Case No. 11-24**

**STANTON-EASTBANC LLC**  
**(Consolidated Approval of a Planned Unit Development and**  
**Related Zoning Map Amendment @ Square 901, Lot 801)**  
**October 15, 2012**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held public hearings on June 14, 2012, June 21, 2012, and July 11, 2012, to consider an application of STANTON-EASTBANC LLC (“Applicant”), on behalf of the District of Columbia, the owner of Lot 801 in Square 901 for the approval of a consolidated planned unit development (“PUD”) and related map amendment. The Commission considered the application pursuant to Chapters 1, 24, and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the application, subject to the conditions below.

**FINDINGS OF FACT**

**The Application, Parties, Hearings, and Supplemental Filings**

1. On November 23, 2011, the Applicant filed an application with the Commission for the consolidated review and approval of a PUD on Lot 801 in Square 901 (“Property” or “Site”) and related map amendment to rezone the Property from R-4 to the C-2-B Zone District (“Application”). The Application proposes to raze the former Hine Junior High School building to develop the Property with a mixed-use residential, office, and retail project. (Exhibit[“Ex.”] 4.)
2. The Property is located within the Capitol Hill Historic District<sup>1</sup> neighborhood of Ward 6, within Advisory Neighborhood Commission (“ANC”) 6B02 and contains approximately 3.16 acres (137,614 square feet of land). The Property is bounded by Pennsylvania Avenue, S.E., and a small portion of D Street, S.E. on the south, an east-west public alley located at the southern end of Square 900 on the north, 7<sup>th</sup> Street, S.E., on the west, and 8th Street, S.E., on the east. The Property is currently improved with the former Hine Junior High School (“School”) building.

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<sup>1</sup> As of the date of the Application, the Applicant had already appeared before the D.C. Historic Preservation Review Board (“HPRB”) on three separate occasions. Subsequent to filing the PUD Application, the Applicant appeared before HPRB again in 2012. In total, the Applicant has had four HPRB hearings. HPRB approved the Applicant’s site plan and overall architectural direction on April 28, 2011; HPRB approved the height, scale, and massing of the conceptual plans on June 30, 2011; and on August 4, 2011, HPRB approved the conceptual height and massing of the Project and approved the conceptual landscaping plan. The Applicant continued to work with the Historic Preservation Office (“HPO”) and most recently appeared before HPRB on April 26, 2012, which is discussed more herein.

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3. The Property is designated on the District of Columbia's Comprehensive Plan Future Land Use Map as Mixed-Use Moderate-Density Residential/Moderate-Density Commercial and is within the R-4 Zone District.
4. At its meeting of February 13, 2012, the Commission voted unanimously to set down the Application for public hearing. In its discussion of the Application, the Commission requested additional information on the overall context, retail plan, number of car spaces, shadow studies, eye-level perspectives, massing, inclusionary zoning, loading for retail, and eligibility for residential parking permits.
5. On March 26, 2012, the Applicant submitted a Prehearing Statement. (Ex. 20.) The Prehearing Statement addressed the issues and comments raised by the Commission and the Office of Planning ("OP"). It also included as attachments the transportation impact study (Tab F) and a Noise Analysis Report (Tab H).
6. On May 25, 2012, the Applicant submitted a Supplemental Filing, which included an updated set of architectural plans and elevations. (Ex.115.) This filing also included an update on community outreach, supplemental information on transportation (including parking and vehicle trip generation and vehicle maneuvering and circulation associated with on-street loading zone) (Tab D), a determination letter by the District of Columbia's Zoning Administrator ("ZA") exempting the Project from the Inclusionary Zoning requirements of the Zoning Regulations (Tab E)<sup>2</sup>, and as a result of the removal of the top floor of the Office Component, noted that the previously requested relief from rooftop structure for the South Building was eliminated. In addition, information pertaining to employment and training opportunities was updated.
7. On June 4, 2012 the Department of Transportation ("DDOT") submitted a report outlining its concerns with regard to trip generation and loading, and a request for the Applicant to update and resubmit its traffic analysis. (Ex. 132.)
8. Notice of the public hearing for this matter was published in the *D.C. Register* on April 20, 2012, and was mailed to ANC 6B and to owners of property within 200 feet of the Property. (Ex. 41.) A corrected notice of public hearing was published in the *D.C. Register* on April 27, 2012, in order to correct the second hearing date listed on the notice. This corrected notice was mailed to ANC 6B and to owners of property within 200 feet of the Property. (Ex. 60.) On June 14, 2012, the Commission commenced the

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<sup>2</sup> As noted in the ZA's letter, the development must still provide the same affordable housing set-aside as would have been reserved under Inclusionary Zoning for so long as the development is in existence. (See 11 DCMR § 2602.7 (a) and (b).)

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public hearings on the Application. The hearings continued on June 21, 2012 and concluded on July 11, 2012.

9. In addition to the Applicant, ANC 6B was automatically a party in the proceeding. The Commission granted a request for party status in support of the Application from the Capitol Hill Chamber of Commerce (“CHAMPS”). The Commission granted requests for party status in opposition to the Application to: Eyes on Hine (“EOH”), Diverse Markets Management, LLC (“DMM”), Hine School North Neighbors (“HSNN”), and Eastern Market Metro Community Association (“EMMCA”). The group “300 Block 9<sup>th</sup> Street S.E. and 800 Block of C and D and Apartment House 649C” submitted a request for party status but its request was denied by the Commission. (June 14 Transcript (“Tr.”), pp. 14-54.)

#### **June 14, 2012 Hearing**

10. At the June 14, 2012 hearing, six witnesses testified on behalf of the Applicant: Ken Golding, of STANTON-EASTBANC LLC; Joe Sternlieb of STANTON-EASTBANC LLC; Amy Weinstein, FAIA, of Weinstein Studios/Esocoff & Associates Architects; Lisa Delplace, ASLA of Oehme, van Sweden & Associates; Nicole White, P.E., PTOE, of Symmetra Design; and Buwa Binitie, of Dantes Partners. (June 14 Tr., pp. 69-126.)
11. The Commission accepted Ms. Weinstein as an expert in architecture, Ms. Delplace as an expert in landscape architecture, and Ms. White as an expert in traffic engineering. (June 14 Tr., pp. 55-58.)
12. At the June 14, 2012 hearing, the Applicant submitted into the record Ms. Weinstein’s PowerPoint presentation (Ex. 293), Ms. Delplace’s PowerPoint presentation (Ex. 291), Ms. White’s PowerPoint presentation (Ex. 292), and a copy of Mr. Sternlieb’s testimony (Ex. 294).
13. The Applicant also submitted a copy of the executed copy of the Certified Business Enterprise Utilization and Participation Agreement (“CBE Agreement”), the executed copy of the First Source Employment Agreement and a list, dated June 14, 2012, of the Applicant’s proffered amenities and benefits. (Ex. 295-297.)
14. At the June 14, 2012 hearing, the Commission heard testimony from OP in support of the Application, as well as testimony from the Eastern Market Community Advisory Committee (“EMCAC”) in support of the Application. Notwithstanding its overall support for the Project, EMCAC’s testimony disagreed with certain aspects of the OP Report, DDOT Report, and Applicant’s Transportation Study. (June 14 Tr., pp. 228-231, 249-262.)

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15. At the close of the June 14, 2012 hearing, the Commission decided to begin the next hearing with supplemental testimony from the Applicant's traffic expert. (June 14 Tr., p. 300.)

**June 21, 2012 Hearing**

16. On June 21, 2012, the Applicant submitted a response to the Commission's questions from the June 14, 2012 hearing (Ex. 355) which included:
- a. Shadow Studies to include times later in the day (Tab A);
  - b. Update on First Source and CBE Information, including a more legible executed copy of the First Source Employment Agreement. (Tab B);
  - c. Noise Analysis Report, dated February 27, 2012, concluding that, as a result of the proposed Project, the change of noise levels at the 8<sup>th</sup> Street residential buildings, would be negligible (Tab C);
  - d. Comparison of RFP/BAFO Submission with the current project design (Tab D);
  - e. Calculation of lot occupancy and floor area ratio ("FAR") (excluding C Street);
  - f. Building section and plan showing project overlay on existing Hine School Building (Tab E);
  - g. Comparison of Project to other large buildings along Pennsylvania Avenue (Tab F);
  - h. Justification and diagram for requested five percent flexibility on proposed building height (Tab G);
  - i. Further explanation of alley façade of North Building (Tab H);
  - j. North Building's LEED Compliance; and
  - k. Large scale detail of materials used on the buildings (including the interior courtyard space) and Plaza (Tab I).
17. At the June 21, 2012 hearing, the Commission heard testimony from the Applicant's transportation expert who discussed recent submissions to, and meeting with, DDOT. (June 21 Tr., pp. 9-15.) The Applicant submitted into the record the following transportation documents prepared by Symmetra Design: a memorandum to DDOT, dated June 20, 2012 containing Supplemental Trip Information and the Transportation Impact Study Technical Appendix, Part II, dated June 18, 2012. (Ex. 356, 357.)

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18. At the June 21, 2012 hearing, DDOT testified that, following the submission of its June 4, 2012 report, DDOT met with the Applicant and members of ANC 6B to address issues raised in the report and to come to resolutions on assumptions that identify potential impacts and mitigations. DDOT went on to testify that the Applicant submitted additional information and clarification and, based on follow-up meetings and memoranda, DDOT expressed confidence that it would be able to reach basic agreement on the analysis and that major areas of concern had been resolved. DDOT requested the Commission leave the record open so that it could submit additional written information to the Commission. (June 21 Tr., pp. 26-27.)
19. ANC Commissioner Ivan Frishberg, Vice Chair of ANC 6B, Chair of the ANC 6B Hine School PUD Subcommittee and single member district representative for ANC 6B02 (the single member district in which the Project is located) testified that ANC 6B voted to support the Application subject to the terms of a Memorandum of Agreement between the Applicant and the ANC. Commissioner Frishberg noted the active role the ANC had in shaping the Project and its efforts to create a meaningful conversation among the various interests on Capitol Hill. (June 21 Tr., pp. 86-95; 116-125). ANC Commissioner Brian Pate, Vice Chair of the ANC 6B Hine School PUD Subcommittee and single member district representative for ANC 6B06 (the single member district that borders the Project) testified as to the negotiations between the ANC and the Applicant, including many of the key components of the draft Memorandum of Agreement (“MOA”) and the draft Construction Management Agreement. (June 21 Tr., pp. 95-125.)

### Parties in Opposition

20. The following parties testified in opposition to the Application:

- a. Hine School North Neighbors (“HSNN”)

The Commission granted expert witness status to two of HSNN’s witnesses: George Oberlander, AICP for expertise in planning and Joe Mehra for expertise in traffic and transportation issues. (June 21 Tr., p. 192.)

- i. William Pate testified on behalf of Marian Connolly and stated that although HSNN supports mixed-use development at the Property, it is concerned, among other things, that the proposed Application is inconsistent with the character and values of the historic district and neighborhood; (June 21 Tr., pp. 193-197.)
- ii. George Oberlander testified that the requested rezoning from R-4 to C-2-B should not be approved. Instead, Mr. Oberlander recommended that the western half of Square 901 be rezoned to C-2-A and the eastern half of

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Square 901 remain in the R-4 Zone District. (June 21 Tr., pp. 197-204, PowerPoint presentation, Ex. 363.)

With respect to Mr. Oberlander's testimony, to support his assertion that the proposed development is out of scale with the existing residential buildings on 8<sup>th</sup> Street, and therefore the rezoning request should be denied, he presented a slide to show the relative height of the proposed building on 8<sup>th</sup> Street to the existing buildings across 8<sup>th</sup> Street and said that he had taken the image from the Applicant's submission. The Applicant later argued that Mr. Oberlander's image had distorted the original image so that the 8<sup>th</sup> Street building height looked larger than the width of 8<sup>th</sup> Street. In fact, the 8<sup>th</sup> Street right of way is 100' wide, which is more than twice the dimension of the 47' tall proposed residential building on 8<sup>th</sup> Street; and

- iii. Joe Mehra testified that the analysis performed by the Applicant's traffic expert, Symmetra, does not support the conclusions reached. Mr. Mehra asserted that Symmetra: ignored traffic queues and the effect of such queues on traffic and levels of service; made errors in lane widths, used right-turn-on-red assumptions in the Synchro model, underestimated vehicle generation that affects the level of service; made errors in trip distribution assignments that affect levels of service; failed to mitigate the impact of level of service on 8<sup>th</sup> Street at C Street going to level F from level C at the development. (June 21 Tr., pp. 204-209; copy of testimony, Ex. 362; PowerPoint presentation, Ex. 364.)

b. Eyes on Hine ("EOH")

Marcel LaFollette testified that while EOH has never opposed construction of a mixed-use development on the site, it is unified in its opposition to the requested zoning relief since EOH believes it "should be built better and built smaller." Ms. LaFollette stated that the proposed zoning relief would exceed reasonable limits for height, massing, and proportion of new construction within a historic neighborhood. Ms. LaFollette testified that every foot of additional building heights means that shadows will fall earlier, depriving property owners of the many benefits of adding solar panels to their properties. Testimony also included concern about the retail use at the corner of 8<sup>th</sup> and D Street and not having residents as a party to the Construction Management Agreement. (June 21 Tr., pp. 227-240.)

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c. Eastern Market Metro Community Association (“EMMCA”)

Steven Holtzman testified that the Project unduly burdens the neighbors. Mr. Holtzman stated that the goals of EMMCA are to reduce the height and improve the design to ensure that the Project respects the Capitol Hill historic district. In addition, the organization expressed reservation with regard to the residential affordable housing occupants of the North Building not having access to the amenities of the South Building. (June 21 Tr., pp. 246-260.) Mr. Holtzman stated concern over the proposed privatization of C Street. Mr. Holtzman’s colleague, Barbara Riehl, stated that EMMCA did not want any retail on D Street (*Id.* at p. 263.)

d. Diverse Markets Management LLC (“DMM”)

As a preliminary matter, DMM requested four witnesses – (1) Steven T. Markenson, (2) Bill Owens, principal of Owens Economics, (3) Tom Moriarity, of the Eisen Group, and (4) James Pepper – be considered experts by the Commission. The Applicant submitted a letter into the record objecting to the qualifications of these witnesses as experts in matters subject to the jurisdiction of the Commission. (Ex. 262.) DMM responded to the Applicant’s objections. (Ex. 353.) The Commission voted to deny expert witness status to the four individuals but allowed these witnesses the opportunity to testify. (June 21 Tr., pp. 266-273.)

- i. Michael Berman testified that the space allocated for the Flea Market by the proposed Project is inadequate; (June 21 Tr., pp. 275-280.)
- ii. Bill Owens testified as to the economic benefits of the flea market and the impacts of the proposed Project on the flea market; (June 21 Tr., pp. 280-285.)
- iii. Tom Moriarity testified with regard to a survey conducted of the operators of the flea market; and (June 21 Tr., pp. 285-290.)
- iv. James Pepper testified as to the importance of the flea market to both Capitol Hill and DC as a whole. (June 21 Tr., pp. 290-292.)

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### **July 11, 2012 Hearing**

#### **Party in Support**

21. Capitol Hill Association of Merchants and Professionals (“CHAMPS”)

Mark Weinheimer, President of CHAMPS, Capitol Hill’s Chamber of Commerce, testified as a party in support of the PUD and map amendment Application. CHAMPS specifically applauded the Applicant for proposing the mixed-use project at an appropriate density next to the Metro station and indicated approval of the proposed street level retail, amount of parking and commitment to leasing at least 20% of that commercial space to small and local retailers. (July 11 Tr., pp. 9-12.)

22. The Commission heard testimony and received numerous letters from persons in support and in opposition of the Application.

#### **Persons in Support**

23. The following persons testified in support of the Application at the public hearing:

- a. Janet Quigley, president of the Capitol Hill Restoration Society;
- b. Larry Quillian;
- c. Steve Cymrot;
- d. David Perry, Board Member of Barracks Row Main Street;
- e. Don Myer of the D.C. Preservation League;
- f. Cheryl Cort, Policy Director, Coalition for Smarter Growth;
- g. David Garber;
- h. Debbie Danielson;
- i. Jay Parker;
- j. Bill Sisolak, Capitol Hill Village;
- k. Alex Block;
- l. Xavier Cervera; and
- m. Peter Katz.

#### **Persons in Opposition**

24. The following persons testified in opposition of the Application at the public hearing:

- a. Leonard Hacker;
- b. Ellen Opper-Weiner;
- c. Bob Bresnahan;
- d. Bobbi Krenal, Chair, Capitol Hill Coalition for Sensible Development;
- e. Francis Campbell;



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- f. Randy Steer;
  - g. Robert Tauss, ANC Hine Subcommittee;
  - h. Inez Sletta;
  - i. Sally Berk;
  - j. Suzanne Edam;
  - k. Christopher Howell;
  - l. Karen Howell;
  - m. Susan Sedewick;
  - n. Mary Fracker;
  - o. Elmer Farfour;
  - p. Dilek Uzun;
  - q. Gerard Connolly;
  - r. Gerard Stroufe;
  - s. Nancy Sturm;
  - t. Kimberly Nead;
  - u. Ronda Goldman;
  - v. Bill Sisolak; and
  - w. Mark Shlien.
25. At the public hearing on July 11, 2012, three rebuttal witnesses testified on behalf of the Applicant: Amy Weinstein, of Weinstein Studios/Esocoff & Associates Architects, Buwa Binitie, of Dantes Partners, and Joe Sternlieb, of STANTON-EASTBANC LLC. The Applicant also testified to and submitted its rebuttal PowerPoint. (Ex. 442, 443.) The copies of the PowerPoint presentations submitted at the hearing were missing two pages. The Applicant later submitted copies of these missing slides into the record. (Ex. 450.)
- a. In rebuttal, Ms. Weinstein gave a PowerPoint presentation (Ex. 442) explaining in more detail the following:
    - i. The need for the five percent flexibility in height due to the elevator over-run;
    - ii. Additional shadow studies (depicting shadows cast from existing surrounding structures, shadows cast from a R-4 matter-of-right development at the Property as well as shadows that will be cast as a result of the Project). These studies also include more times throughout the day; and
    - iii. The similarities and differences between the proposed Project and the project as submitted by the Applicant in August 2009 to the Mayor's Office for the Request for Proposal ("RFP") and the Best and Final Offer ("BAFO") – for which the Applicant was awarded the site. Ms. Weinstein

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compared the RFP/BAFO plans and elevations with the proposed Project's plans and elevations. (July 11 Tr., pp. 211-216.) These were also compared, narratively, in the Applicant's June 21, 2012 submission; (Ex. 355.)

- b. Mr. Binitie addressed questions that arose with regard to why the North Building residential portion consists entirely of affordable housing. Mr. Binitie said the Project balances the wishes of the community, the District, and potential investors and lenders. He further testified that multiple capital partners have expressed an unwillingness to combine the financing of low-income housing tax credits and bonds with conventional debt and equity. As a result, the Applicant programmed a stand-alone separately financed residential property with its own superior architecture and amenities package. The amenities of the North Building were also shown on a slide; (Ex. 443.) (July 11 Tr., pp. 216-220.)
- c. Mr. Sternlieb updated the Commission on the Memorandum of Agreement and Construction Management Agreement, both of which the Applicant was (at the time) negotiating with the ANC and testified that he expects such documents to be signed and agreed to in the near future. In addition, Mr. Sternlieb summarized the Project's employment outreach planning and accomplishments – referring to a letter submitted into the record from L.S. Caldwell & Associates, Inc. (July 11 Tr., pp. 220-228.) Among the accomplishments are the following:
  - i. The Project has maintained employment of District residents which exceeds the First Source Program mandates 51%; and
  - ii. The Project has achieved an average level of 93% participation with the District of Columbia's Certified Business Enterprise (CBE) businesses; and.

(Ex. 444.)

- d. The Applicant submitted a draft copy of the Construction Management Agreement. (Ex. 446.)
26. At the close of the July 11, 2012 hearing, the Commission asked for the record to remain open so all parties would have the opportunity to provide written responses to the July 11, 2012 DDOT report by August 15, 2012.
27. Also, at the close of the July 11, 2012 hearing, the Commission requested that the Applicant submit the following by August 15, 2012:
- a. Additional information regarding the North Building – including amenities;

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- b. Whether the Applicant agrees to restrict residential parking permits (“RPP”) for the South Building;
  - c. The width of fire trucks that might be expected to access the Site;
  - d. A copy of the executed Construction Management Agreement (“CMA”) between ANC 6B and the Applicant;
  - e. Compliance with ADA Standards;
  - f. Letters from low-income housing tax credit investors;
  - g. Additional information regarding the Flea Market; and
  - h. A copy of the executed Memorandum of Understanding between ANC 6B and the Applicant.
28. On August 1, 2012, HSNN submitted a supplemental statement by Joe Mehra, the organizations’ transportation consultant, in response to DDOT’s July 11, 2012 Supplemental Report summarizing HSNN’s major concerns as follows: (Ex. 452).
- a. Low Trip Generation: In response to the DDOT Supplemental Report stating that the estimated trip generation may be too low and therefore DDOT recommended an extensive performance monitoring plan, HSNN states that the trip rates are too low and suggested the correct way to develop trip rates for a site in an urban area. HSNN states that the Applicant underestimated both the residential trips (by approximately 57%) as well as the office trips (by approximately 33%). HSNN recommended that if the PUD is approved, the traffic levels should be monitored after the Project is 50% or so occupied and the data should be compared with the traffic report estimates and that no further development should be permitted until the Applicant meets the vehicle trip estimates used in the analysis;
  - b. Level of Service: In response to traffic analysis conducted by Symmetra, which shows the intersection of 8<sup>th</sup> Street and C Street is currently operating at an acceptable level of service (“LOS”) of C, but will worsen to a LOS of F, HSNN states that the Applicant has not provided any mitigation of this worsening level of service;
  - c. Background Development and Regional Growth: While in agreement with the Applicant’s utilization of an annual growth factor of one percent increase in vehicle volume along Pennsylvania Avenue between now and the expected opening year of the Project, HSNN questioned why the Applicant excluded from

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the traffic study updates several developments, which are under construction, whose trips will impact the study area; and

- d. Roadway Capacity and Operations: HSNN stated that the Applicant's assumptions and data inputs into the Synchro model are incorrect or wrong citing an example of the Applicant assuming a right turn on red when an intersection does not allow such a movement.
29. On August 22, 2012, the Applicant submitted a response to HSNN's traffic consultant's supplemental testimony regarding DDOT's July 1, 2012 Supplemental Report: (Ex. 458.)
- a. Low Trip Generation: In response to HSNN, the Applicant stated that the discrepancy level of residential trip generation is negligible. In addition, HSNN was incorrect in stating that the Applicant assumed a 50% transit reduction for office use. Instead, the Applicant assumed a 42% transit reduction for office use;
  - b. Level of Service: The Applicant pointed out that the 8<sup>th</sup> Street/C Street intersection is projected to operate at an acceptable LOS C during the AM and peak hours. It is only during the weekend peak hour that this intersection is projected to operate at a LOS of F. The Applicant will monitor the operation of this intersection after the occupancy of the project;
  - c. Background Development and Regional Growth: The Applicant responded that the traffic study update included one percent along the roadway network within the study area. The update included the 325-327 7<sup>th</sup> Street, S.E. project, which accounted for a total of 19 additional AM and 47 additional PM trips that were added to the roadway network for future conditions analysis. Mr. Mehra's assertion that Symmetra included additional background developments in its initial Traffic Impact Statement ("TIS") is not supported by the record. Symmetra included the same background developments in earlier and later TIS submissions, and there are no additional impacts from nearby developments that would negatively impact the Project that are unaccounted for in the final TIS; and
  - d. Roadway Capacity and Operations: Contrary to HSNN's statement, the Applicant asserted in its response that it used the correct Synchro model inputs which were accepted by DDOT. In addition, the Applicant cited the heavy vehicle percentages obtained from actual traffic counts and field observations as well as actual measured lane widths. In response to the HSNN assertion that the Applicant's consultant used incorrect right on red assumptions, the Applicant's traffic consultant updated its analysis and found that it had input only two of 14 intersections incorrectly. The assumptions for the other 12 intersections studied were correct. Upon revising the analysis to reflect the corrected right-on-red assumption to two intersections, the result was a negligible increase in delay for

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each intersection as evidenced by the table in the Applicant's submission. (Ex. 458, table at p. 3.)

30. On August 15, 2012, the Applicant filed its post-hearing submission which contained the following: (Ex. 455.)
- a. A detailed written statement regarding the North Building, including a discussion of amenities, ADA accessibility, and quality of materials. The statement also explains the site challenges and evolution of the North Building's design. Revised North Building floor plans and elevations were submitted to depict a refined entrance; (Tab A)
  - b. Information pertaining to the Applicant's agreement to support efforts that might be made in the future by the ANC to restrict the South Residential Building's tenants from being eligible to receive Residential Zone Parking Permits ("RPP") and Visitor Parking Permits ("VPP"). The Applicant indicated its agreement to accept this restriction regarding RPP and VPP as a condition of the PUD Zoning Order;
  - c. Information on the width of fire trucks in D.C. that might be expected to access the site;
  - d. The Applicant submitted a copy of the executed MOA between ANC 6B and the Applicant (Tab F), containing the following exhibits:
    - i. Exhibit A of MOA – Site Plan showing commercial and residential loading/unloading zones;
    - ii. Exhibit B of MOA – Loading and Delivery Plan;
    - iii. Exhibit C of MOA – Plan showing portions of C Street and the Plaza available to weekend vendors;
    - iv. Exhibit D of MOA – Draft Open Space Plan;
    - v. Exhibit E of MOA – Site Plan showing the area restricted to restaurants and outdoor seating;
    - vi. Exhibit F of MOA – Hine Retail Plan; and
    - vii. Exhibit G of MOA - Executed CMA between the Applicant and ANC;
  - e. Compliance with ADA Standards; (Tab A)

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- f. Two emails from low income housing tax credit (“LIHTC”) investors regarding whether they would purchase LIHTCs from a building that contained a mix of affordable and market rate units; (Tab B)
  - g. Update on the Applicant’s request to close the 300 block of 7<sup>th</sup> Street, S.E. and recent dealings with the Flea Market; (Tab C)
  - h. Response to DDOT’s July 11, 2012 supplemental report stating that the Applicant has committed to implementing the TDM strategies and pointing out that the number of parking spaces takes into account the market requirements for residential and the below-grade retail component (e.g., grocery store) and were based on comparable sites surveyed in the District. The Applicant also cited its commitment to conducting annual surveys and mitigating additional trips (in excess of 10% over projected vehicle trip generation) through TDM measures, per the Post Completion Traffic Impact Monitoring Agreement, dated August 7, 2012. The Applicant agreed to coordinate with DDOT with regard to public space permitting and to continue to work with DDOT regarding a loading scheme and delivery schedule to accommodate 55+ foot trucks; (Tab E)
  - i. A copy of the “Post Completion Traffic Monitoring Agreement” dated August 7, 2012 between the Applicant and DDOT which sets forth the details by which the Applicant will monitor and mitigate unanticipated impacts to the District’s transportation network; (Tab D) and
  - j. DDOT’s memo dated, August 10, 2012, stating support for the approach detailed in the Applicant’s Post Completion Traffic Monitoring Agreement. (Tab D.)
31. The Commission also requested other persons and parties to submit the following by August 15, 2012:
- a. Janet Quigley, of the Capitol Hill Restoration Society, to submit her written testimony; (Ex. 445.)
  - b. Xavier Cervera to submit the market analysis referred to in his testimony; (Ex. 454.)
  - c. EMCAC to submit a copy of the resolutions authorizing its testimony; (Ex. 358.)
  - d. Ellen Opper-Weiner to provide documentation corroborating her claim that the two hundred block of 7<sup>th</sup> Street has been illegally closed to vehicular traffic by Mayor’s Orders, including the copy of any opinion she receives from Attorney General for the District of Columbia. In response, Ms.

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Opper-Weiner indicated that the Attorney General had declined to provide her with the legal opinions issued for the Mayor's Orders in question, since to do so would violate the attorney-client privilege. And since the Office of the Attorney General only provides legal opinions to District agencies, the Office cannot furnish such an opinion to her. Ms. Opper-Weiner therefore asked the Commission, as a District agency, to request the Attorney General to provide it with an opinion as to the legality of the Mayor's Orders declaring the temporary prohibition of vehicles; (Ex. 453.) and

- e. The ANC to submit information on meeting with DDOT regarding public space and construction period, if meeting occurs.
32. On August 22, 2012, HSNN filed a response to Applicant's August 15, 2012 filing reiterating its preference that the North Building not be built. (Ex. 456.) Should the North Building receive approval, the HSNN acknowledged the architectural revisions to the North Building (refinements to the portico and the addition of an open pergola) "would improve the building's reference and relationship to existing properties in the neighborhood and provide an amenable outdoor space where residents of the building can gather." Furthermore, HSNN applauded the relocation of the North Building's social room to the main lobby. HSNN found the additional amenities designed for the North Building to be "reasonable and what one would expect to find in a building in which at least 50% of the units will be rented to seniors." (Ex. 456, p. 2.) HSNN also discussed the following: the east-west alley, quality of materials on rear elevation of North Building, location of trash room in North Building, correspondence between the Applicant and LIHTC investors, North Building loading plan, the retail agreement, request for C-2-A zoning for the office/commercial portions of the development and R-4 for the residential portion of the Site, relationship to Eastern Market Management, street closures by Mayoral Order, privatization of C Street/future street programming and closures and the CMA.
  33. On August 22, 2012, EMMCA filed responses to the Applicant's August 15, 2012 filing focusing on the Flea Market, loading, as well as the MOA and its various exhibits. (Ex. 449.)
  34. On August 22, 2012, DMM – which had testified at the hearings as a party in opposition – submitted a letter informing the Commission that, subsequent to the hearings, it entered into a Letter of Intent with the Applicant (which it submitted as an attachment to its letter) to operate a weekend flea market after the completion of construction and that DMM no longer opposes the Application. (Ex. 457.)
  35. On August 29, 2012 the Applicant filed its Proposed Findings of Fact and Conclusions of Law. (Ex. 463.)

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**Proposed Action**

36. At its public meeting on September 10, 2012, the Commission re-opened the record to accept a submission from HSNN. (Ex. 465.) The Commission considered Ms. Opper-Weiner's submission and indicated that it would not be appropriate for it to request the Attorney General to provide it with an opinion as to the legality of the Mayor's orders she attached.
37. The Commission took proposed action to approve the Application and plans that were submitted into the record. The Commission issued a Procedural Order requiring the Applicant to submit its list of public benefits being proffered for the PUD and, for each proffered public benefit, provide a draft condition that is both specific and enforceable, and submitting deadlines for the parties and public agencies to respond to this submission. The Commission requested that the Applicant address the following issues in a filing to the Commission made no later than September 24, 2012:
- a. Study the possibility of 55-foot trucks accessing the enclosed loading dock and consider possible alternative arrangements;
  - b. Consider re-evaluating its traffic monitoring plan in light of comments by HSNN;
  - c. Consider including the 200 block of 8<sup>th</sup> Street properties in the construction management mitigation fund;
  - d. Submit the First Source and CBE Agreements;
  - e. Consider modifying the layout of the north building ground floor to minimize trash activity adjacent to the house located north of the shared alley; and
  - f. Provide revised density calculations that exclude the C Street right-of-way from the lot area.
38. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. The Executive Director of NCPC, by delegated action dated October 10, 2012, found that "the proposed action for a consolidated planned unit development at Square 901 at the former Hine Junior High School site is not inconsistent with the Comprehensive Plan for the National Capital." (Ex. 477.)
39. On September 24, 2012, the Applicant filed its submission in response to the Commission's requests made at proposed action: (Ex. 470.)



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- a. As to alternatives for the loading of 55-foot trucks, the Applicant indicated that such trucks would be able to back into the building's dock from 7<sup>th</sup> Street and unload fully within the dock. The Applicant's Memorandum of Agreement with the ANC contemplates a 55-foot truck unloading from 7<sup>th</sup> Street during a restricted schedule of 11:00 p.m. to 7:30 a.m. The Applicant also advised the Commission that the proposed curb cut depicted in the Plans would need to be slightly enlarged to accommodate the turning radius of the 55-foot truck, which would require approval by the Public Space Committee;  
  
Re-designing the dock to allow for head-in and head-out access for 55-foot trucks would result in a significant reduction of retail space, the loss of a substantial amount of parking and services now provided below-grade, and would significantly and adversely disrupt building egress paths and site circulation. The option of re-designing the existing loading facilities would requires all trucks to exit onto 8<sup>th</sup> Street, which is a busy arterial street and brings more trucks closer to the existing residences to the east;
- b. In response to HSNN's recommendation that the Applicant halt any further development or leasing at 50% occupancy if the traffic impacts exceed projections, the Applicant stated that no equity investor or construction lender would agree to forgo required payback revenue needed for take-out financing at project completion;
- c. The Applicant agreed to include the 200 block of 8<sup>th</sup> Street within the construction management mitigation fund;
- d. The Applicant furnished the "Employment Plan" for the First Source Employment Agreement, and both the "Target Sector List" and "Subcontracting and Extended Outreach Plan" for the Certified Business Enterprise Utilization and Participation Agreement;
- e. The interior trash room serving both residents and retailers was reconfigured to allow the roll-up service door to move west of the 10' north/south alley that separates the R-4 zoned properties to the east from the C2A properties to the west. This modification allows the trash truck (whether front-loading or rear-loading) to park opposite the garage structures on the north side of the alley which fronts onto the 10' alley; and
- f. The Applicant's recalculation of the project's density to exclude the private C Street right-of-way reflects a new density of 3.90 FAR. The Applicant originally stated the density as being 3.36 FAR.

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40. Through a memorandum dated October 9, 2012, the Chair of ANC 6B submitted comments in response to the Applicant's September 24, 2012 submission. (Ex. 474.) The comments were originally those of the ANC's Executive Committee, but were ratified by the ANC at its October 9, 2012 meeting. (Ex. 478.) Those comments were:
- a. Notwithstanding the need for public space review, an internal loading plan for 55-foot trucks that allows such trucks to exit on 7<sup>th</sup> Street is the ANC's preference; and
  - b. The trash facilities should be moved further west to be within commercial operations.
41. EMMCA made the following comments in its October 9, 2012 submission: (Ex. 475.)
- a. EMMCA continues to oppose loading and unloading on 7<sup>th</sup> Street. The Commission should require that all trucks back-in and drive out;
  - b. The trash room and garbage removal area should be as close to 7<sup>th</sup> Street as possible; and
  - c. The Commission overlooked EMMCA's request that the terms of the CMA should apply to all properties within 200 feet of the project, particularly homes in the 600 and 800 blocks of C Street S.E. and 800 block of D Street S.E.
42. HSNM also provided a response, in which it indicated: (Ex. 476.)
- a. The Applicant's back-in and front-out alternative would cause unacceptable noise to the neighborhood due to gear shifting and reverse noise alerts. Since it is clear that no internal solution exists for 55-foot trucks, such vehicles should be prohibited;
  - b. The garbage and trash pickup and truck parking should be moved farther to the west;
  - c. The CMA should cover homes in the 600 and 800 blocks of C Street S.E. and 800 block of D Street; and
  - d. Now that the Commission is aware that the correct density for the project is 3.90 FAR rather than 3.36 FAR, the Commission's final order should explain why that density is "appropriate" for this development. A similar request was made by EOH in its October 3, 2012 response. (Ex. 473.)

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43. Through these and other submittals, the parties in opposition and ANC 6B also provided comments to the Applicant's response to the Commission's Procedural Order discussed in finding of fact number 37.
44. The Commission also received a supplemental report from DDOT, dated September 21, 2012. (Ex. 471.) DDOT indicated that notwithstanding "minor problems" in the Applicant's analysis including underestimating not-driveway vehicle trips and incorrect right-on-red assumptions, it found no need to modify the monitoring agreement reached with the Applicant that begins monitoring at 70% commercial occupancy and 90% residential occupancy.

### **Final Action**

#### **Meeting of October 15, 2012**

45. The Commission considered whether to take final action on the application at its public meeting held October 15, 2012.
46. With respect to the accommodation of 55-foot trucks, the Commission concluded that HSNN's request that such trucks be prohibited was not practical for this site. As to the alternatives presented, the Commission expressed disappointment that the Applicant did not more fully explore the head-in and head-out options. The Commission expressed discomfort with trucks backing into the loading area. However, to reject that option would leave the Commission only with curbside loading, an option that EMMCA opposed. The Commission, therefore, requested that the Applicant further explore the head-in head-out alternative.
47. The Commission agreed with the Applicant that to halt leasing at 50 % occupancy in order to mitigate potential traffic impacts would jeopardize Project financing and, therefore, concurred with DDOT's continued recommendation that monitoring should begin at 70% commercial occupancy and 90% residential occupancy.
48. As to the expansion of the CMA to all properties located within 200 feet, the Commission found no particular connection between that radius and the likely impact of construction. The Commission considered it unlikely that that mitigation measures would be needed for the additional properties identified by EMMCA and HSNN. While the Applicant is free to include these properties, the Commission believed that the existing geographic scope of the CMA sufficed for it to be considered a public benefit.
49. The Commission found that the Applicant's proposed movement of the trash roll-up service door west of the 10-foot north/south alley to be sufficient. The crucial aspect of the proposal was that it moved the trash activity within proximity of the alley. Given the

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amount of truck traffic that already serves existing retail establishments, the trash trucks that will serve the Project will not place a significant additional burden on the area.

50. With respect to the Applicant's response to its Procedural Order, the Commission expressed concern over the value of the Applicant's commitment to adhere to the terms of the MOA and the included CMA if either could be amended without the Commission's approval. Although the Commission understood the need for flexibility in certain areas, it nevertheless suggested that the Applicant identify those terms that the Applicant could unequivocally agree to and include only those as conditions to the Commission's approval. The Commission agreed with several of the responses that the order should include conditions stating the Applicant's MOA commitments to provide tabletop planning for the market activity and to reserve space for a child care center.
51. The Commission addressed a concern expressed over the use of the term "commercially reasonable efforts", which is the standard the Applicant proposed to use in complying with its LEED commitments. The Office of the Attorney General ("OAG") advised the Commission that it had conducted a computer search for the term among court cases and found it to be one that is customarily used and interpreted. The Commission was therefore satisfied that the standard provided sufficient certainty in judging the Applicant's LEED compliance.
52. As to the revised density computation, the Commission expressed its disappointment that this figure was not provided at the inception of this case. Nevertheless, the increased density resulting from the exclusion of the C Street private right-of-way does not require a reevaluation of the appropriateness of the project's density, which remains reasonable overall.
53. Finally, the Commission agreed with HSNM concerning a potential language inconsistency in the condition governing the provision of below-grade retail. The proposed language appeared to both unconditionally require the provision of below ground retail and also permits other uses to be substituted should the Applicant's marketing efforts fail. The Commission requested OAG to revise the language.

#### **Responses by the Parties**

54. Through a submission dated October 31, 2012, the Applicant provided the Commission with drawings and a narrative elaborating upon the Applicant's contention that the necessary adjustments to the Project and the public space that would be needed to accommodate the head-in and head-out loading of 55-foot trucks would be detrimental to the success of the Project. (Ex. 480.)

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55. The Applicant also provided four loading “cases”:
- Case 1. A 55-foot truck would back into the loading area and then exit front out. This was the Applicant’s preferred solution;
  - Case 2. A 55-foot truck could, with some modifications to the truck dock, enter front-in and maneuver into a berth and then also exit front-out. The option would only work when there were no other trucks in the berth. However, since 55-foot trucks could only load during overnight hours, this limitation should not prove to be an obstacle. Nevertheless, the Applicant asserted that the amount of maneuvering needed to access the berth (three forward and three reverse movements), would be time consuming and that truck drivers would prefer to back in; and
  - Cases 3 and 4. In both cases, a 55-foot truck would enter and exit head-first; however, as noted, the Applicant asserted that the implementation of either option would be detrimental to the Project.
56. The Applicant also submitted a revised set of proffers and conditions in which it unequivocally agreed to adhere to the MOA and the included CMA. The proposed conditions acknowledged that the Applicant must obtain a modification should any term need amendment. The revised conditions also included specific requirements that the Applicant commission a tabletop logistics exercise covering the setup, layout, and take down of the flea market and provide no fewer than 2,400 square feet of at-grade space in the Project for a child development center.
57. The Applicant also confirmed that the maximum height of 94’ 6” it requested for the office component at 7<sup>th</sup> and Pennsylvania includes the five percent flexibility it is seeking pursuant to § 2405.3.
58. ANC 6B responded to the Applicant’s submission through a letter dated November 8, 2012. (Ex. 484.) The ANC expressed support for the incorporation of the MOA into the Commission’s order and the requirement that the Commission approve any changes to the agreement. The ANC, however, noted an inconsistency between this approach and proposed finding of fact number 62, which allowed the loading plan to be amended without Commission approval.
59. EMMCA’s written response also indicated that the Commission should approve any amendment to the loading plan. As to loading, EMMCA contended that the only acceptable solution would be for 55-foot trucks to enter front-first, turn around and exit the same way. EMMCA also expressed disagreement with several of the Applicant’s proposed findings concerning the benefits of the development and recommended a series of deletions. (Ex. 483.)

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60. HSNN's response questioned the use of the term "superior" in describing the Applicant's affordable housing commitment. (Ex. 482.)

### **Meeting of November 19, 2012**

61. The Commission continued its deliberations on this Application during its public meeting of November 19, 2012.
62. Due to the substantial redesign or time consuming maneuvering that would be required to allow 55-foot tracks to enter and exit front-first, the Commission accepted the approach described in the Applicant's Case 1, particularly because such deliveries would only take place between 11 p.m. and 7:30 a.m.
63. The Commission concluded that the revised conditions are enforceable, make sense, and reflect the agreement between the Applicant and the ANC.
64. As to the description of the affordable housing proffer as "superior", the Commission reviewed § 2403.10, which requires that the public benefits of a PUD must be superior in many of the categories of public benefits identified. The Commission directed OAG to remove the term "superior" from the actual description of the affordable housing being proffered, but to make a general finding that the Applicant satisfied the requirement of § 2403.10.
65. The Commission declined to review the many deletions proposed by EMMCA because those comments went beyond the question of whether the Applicant proffers were made enforceable through the proposed conditions
66. The Commission discussed the potential inconsistency between the finding of fact discussing future amendments to the loading plan and the condition requiring that any modification would require the Commission's approval. The Commission concluded that the condition requiring its approval trumps the finding of fact. Nevertheless, a reference to the need for Commission approval has been added to that finding of fact, which is now finding of fact number 91.
67. The Commission then took final action to approve the Application.

### **The Subject Property and Surrounding Area**

68. The Property is located within the Capitol Hill Historic District neighborhood of Ward 6, within ANC 6B02, and contains approximately 3.16 acres (137,614 square feet of land). The Property is bounded by Pennsylvania Avenue, S.E. and a small portion of D Street, S.E. on the south, an east-west public alley located at the southern end of Square 900 on

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the north, 7<sup>th</sup> Street, S.E. on the west and 8<sup>th</sup> Street, S.E. on the east. The Property is currently improved with the former Hine Junior High School building. (Ex. 4.)

69. The Eastern Market Metro Station is located directly across Pennsylvania Avenue from the Property. The Eastern Market is located to the northwest of the Property, immediately across 7<sup>th</sup> Street. A commercial area of shops and restaurants is located on 7<sup>th</sup> Street north of Pennsylvania Avenue and south of the Eastern Market, immediately across from the Property. Barracks Row, which is located along 8<sup>th</sup> Street south of Pennsylvania Avenue, is located across the Eastern Market Metro Station plaza from the Property. (Ex. 4, p. 9.)

### **Existing and Proposed Zoning**

70. The Property is currently zoned R-4. In connection with the PUD approval, the Applicant seeks a PUD-related rezoning of the Property from R-4 to C-2-B. The proposed C-2-B zone is not inconsistent with the Comprehensive Plan land use designation for mixed use: moderate density residential and moderate density commercial development on the site. The Comprehensive Plan designates moderate density residential and moderate density commercial uses to correspond to the C-2-B zone, among others (225.9).

### **Description of the PUD Project**

71. The Applicant proposes to raze the former School buildings to develop a mixed-use residential, office, and retail project of approximately 461,946 square feet of gross floor area. As a result of the elimination of the top floor of the Project along Pennsylvania Avenue and 7<sup>th</sup> Street, the GFA of the Project has decreased by approximately 4,300 square feet since the initial filing of the Application. In addition, because the Project includes occupiable/habitable space on the roofs of the 8<sup>th</sup> Street Residential Component, Plaza Component, and the Office Component, along with mechanical equipment that is typically provided in a rooftop structure above the highest occupiable floor of a building, the effective GFA of the Project has also been reduced as the result of the removal of the top floor.<sup>3</sup> (Ex. 115, p. 4)
72. The Project will provide 158 residential units comprising 254,077 square feet of residential GFA. Forty-six of the residential units will be affordable units. The Project will also provide 197,051 square feet of GFA of commercial (office and retail) use. 10,818 square feet of above-ground but roofed-over GFA will be dedicated to loading facilities. Based upon the exclusion of the C Street right-of-way from the calculation of FAR, the Project will have a total FAR of 3.90 and building heights ranging from 47 feet

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<sup>3</sup> The “effective GFA” of the Project has been computed by eliminating all mechanical equipment and facilities that are customarily provided in an enclosed – and unoccupiable – rooftop penthouse and that are customarily located above the top floor of a building from the gross floor area of the Project.

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to 94 feet six inches. The Project will include up to 330 parking spaces on two levels under the South Building. (Ex. 115, p. 4.)

73. The Project has been designed to incorporate the principles of New Urbanism and Transit-Oriented Development in order to enliven and make Pennsylvania Avenue and 7<sup>th</sup> Street pedestrian-friendly and increase its activity, to concentrate the mass and the greatest height of the Project across from the Eastern Market Metrorail plaza on a very wide Avenue, to bring the loading and truck activities for the South Building under cover and into the building, to encourage public transit use and eliminate traffic and parking spillover on nearby residential streets, to reduce the building's actual and apparent height along residential 8<sup>th</sup> Street, to provide the maximum amount of landscaping and other "green" features possible, and to provide a vibrant mix of office, retail, and residential uses in order to accommodate community needs and amenities and support the Eastern Market. (Ex. 115, p. 4.)
74. The Hine Project is designed to integrate the Site into the surrounding community both physically and programmatically:
  - a. The Project design re-integrates the Site into the historic L'Enfant Plan by re-establishing L'Enfant's original 700 block of C Street, S.E. This restores the smaller and more pedestrian-friendly street grid that had been destroyed by the superblock planning of the 1960's era Hine School;
  - b. At the intersection of 7<sup>th</sup> and C Streets, the Project provides a Plaza as an outdoor community gathering space with cafés and shops, as well as serving as a weekend venue for the Hill's flea market – a long time Capitol Hill institution currently using the Hine playground. The shape of the Plaza gestures toward the very active corner of 7<sup>th</sup> & C Street and highlights the view of the iconic Eastern Market at its west end;
  - c. The proposed uses are deployed within the Site to relate specifically to uses and building types that are located across the street from each of the principal street facades of the South and North Buildings. The design places new stores and offices across 7<sup>th</sup> Street from existing stores and offices and new residences across 8<sup>th</sup> Street from existing residences; and
  - d. The highest density and massing is appropriately located on Pennsylvania Avenue, directly across from both the Metro Station and the seven acre L'Enfant Plan open space generally referred to as the Eastern Market Metro Plaza & Park.



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75. Detailed Description of the Buildings

a. North Building

The North Building will contain 34 workforce/affordable housing units. Fifty percent of these units will be dedicated as residences for seniors 55 years old and older. The North Building will be four stories and will step down to three stories on 7<sup>th</sup> and 8<sup>th</sup> Streets to reduce its visual bulk relative to the Eastern Market and existing row houses along 8<sup>th</sup> Street. Retail uses will also be located in the basement of this building.<sup>4</sup>

b. South Building

The South Building is broken into three primary components:

- i. 8<sup>th</sup> Street Residential Component: This component of the South Building (“8<sup>th</sup> Street Residential Component”) faces 8<sup>th</sup> Street. It will be predominantly four stories along 8<sup>th</sup> Street with a partial fifth floor that will be set back from the Building’s facade. This Component will contain 82 residential units, including eight affordable units. Note: No revisions were made to the design of the 8<sup>th</sup> Street Residential Component subsequent to the Pre-Hearing Submission other than the following minor design modifications made in response to HPO/HPRB issues or concerns: coloration of main elevations, development of main entry elevation, embellishment of ground-level unit entrances, and reduction in mass of partial sixth floor; (Ex. 115, p. 5.)
- ii. Office Component: Located at the corner of 7<sup>th</sup> Street and Pennsylvania Avenue, this office and retail building (“Office Component”) is architecturally composed of three elements: a two-story entrance element on Pennsylvania Avenue and D Street between 7<sup>th</sup> and 8<sup>th</sup> Streets; a six-story section with a setback seventh floor at the corner; and a 7<sup>th</sup> Street element that steps down to a variety of heights as it extends northward. In response to community concerns and at the request of the lead negotiators for the ANC, the Applicant has agreed to remove the top floor from the Office Component along Pennsylvania Avenue and 7<sup>th</sup> Street. This major design revision has effectively reduced the apparent height of the Project

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<sup>4</sup> Technically, the basement will be classified as a “cellar” for zoning purposes.

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by 11 feet eight inches and reduced the usable or effective density from 3.4 FAR to 3.31 FAR<sup>5</sup>; and (Ex. 115, p. 6.)

- (iii) Plaza Component: The Plaza Component (“Plaza Component”) is located on 7<sup>th</sup> Street and turns the corner and angles in a northeasterly direction to form the northern edge of the landscaped Courtyard and the southern edge of a new urban plaza. This Component consists of four stories of residential apartments located over ground-floor retail and a partial fifth floor containing amenities and mechanical equipment. The Plaza Component 42 apartment units, including four affordable units; and (Ex. 115, p. 6.)
- c. Below-Grade Retail Uses: The Applicant proposes the development of approximately 22,133 square feet of below-grade retail uses in the North and South Buildings, up to 14,981 square feet of which will be in the South Building and which will include a health club/gym, grocery store, or drug store. The Applicant requested Commission approval for the flexibility necessary to locate any of such retail uses or similar retail or service uses in the below-grade space in the South Building. (Ex.115, pp. 6-7.)
76. The Applicant met numerous times with the HPO during the development of the design of the North Building and the South Building. The Applicant appeared before HPRB on three occasions in 2011: April 28<sup>th</sup>, at which time HPRB approved the site plan and overall architectural direction in concept; June 30<sup>th</sup>, at which time HPRB approved the height, scale, and massing of the conceptual plans; and August 4<sup>th</sup>, at which time HPRB adopted the recommendation of the HPO to approve the conceptual height and massing of the North Building and the South Residential Component. HPRB also approved the conceptual landscaping plan and directed the Applicant to study design revisions suggested by HPO and the Board as the Project develops further. (Ex. 20, pp. 17-18, Tab B.)
77. Subsequent to the submission of the prehearing statement, the Applicant continued to work with the HPO on design refinements and the further development of design details, pertaining to or including a water feature in the Plaza, street paving materials through the Plaza, facades, materials and coloration, alternative setbacks and architectural treatments, and design of entrances and projecting bays. The Applicant most recently appeared before HPRB on April 26, 2012 and presented extensive design responses to HPRB’s comments (Ex. 115, Tab B.)

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<sup>5</sup> This calculation was made with the C Street right of way included in the lot area. If the C Street right of way is excluded, the overall FAR is 3.90.

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78. The HPO staff report and recommendation for the April 26, 2012 HPRB hearing stated that, “the changes represent a substantive response to the Board’s concerns, and result in a significant improvement to the Project’s compatibility with the character of the Capitol Hill Historic District.” (Staff Report, Ex. 115, Tab C.) HPRB found the revisions to improve the compatibility of the conceptual plan and to be consistent with the purposes of the historic preservation act and concluded that any substantial changes should return to the Board for further review. (HPRB Actions, Ex. 115, Tab C.)

### **Flexibility Requested**

79. The Applicant requested the flexibility from the requirements of the Zoning Regulations described in the following six paragraphs.
80. Flexibility from the Loading Requirements. The Applicant requested relief from the requirements that it provide: (a) two 55-foot loading berths, (b) two 200-square-foot platforms, and (c) one 20-foot-deep service/delivery space. The proposed loading facilities, which are accessible via 7<sup>th</sup> Street, will provide five loading berths, five loading platforms, and two service/delivery spaces. Notwithstanding that no 55-foot berth will be provided, the Applicant has created a 120-foot commercial loading zone on C Street that will usually be available between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday for move-ins, move-outs, and other loading activities requiring large tractor trailers. The Applicant submitted that, with proper management, the number and size of loading facilities proposed will be adequate to service the Project without creating any adverse impacts. DDOT did not object to this requested relief. (Ex. 115, p. 13.)
81. Building Lot Control within 25 Feet of a Residence District. The Applicant requested special exception relief from § 2516 of the Zoning Regulations in order to erect two principal buildings on a single subdivided lot that is located within 25 feet of a Residence District. This relief is necessary because one row house, which is located on 8<sup>th</sup> Street across the East-West alley, is within 25 feet of the Site. There was no specific objection to this request. (Ex. 115, p. 13.)
82. Flexibility from Parking Requirements. The Project does not comply with the requirements of § 2115.4 that all parking spaces in the garage for compact cars “be placed in groups of at least five (5) contiguous spaces....” in a few places. As a result, the Applicant requested relief from this requirement. (Ex. 115, p. 14.) Neither DDOT nor any Party objected to this request.
83. Flexibility from Courts and Court Niche Requirements. As set forth in the Zoning regulations, courts and court niches are required to be provided at specified widths, areas or other dimensions depending on the nature of the court (open vs. closed), the type of use that is adjacent to the court (residential or mixed-use) and other factors. Nine of the

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10 courts, including the largest (i.e., the Courtyard), are in full compliance with the court requirements. However, one of the smaller courts does not comply with the minimum width requirements. Therefore, zoning relief was requested for this court. (Ex. 115, p. 14.) There was no specific opposition to this request.

84. Flexibility from Rooftop Structure Requirements. In the Pre-Hearing Statement, the Applicant requested relief from three sections of the Zoning Regulations that pertain to rooftop structures, including the following: (i) § 411.1 which authorizes accessory storage, showers and lavatories on building roofs of apartment buildings (but not on roofs of office buildings), (ii) § 411.5 which requires that enclosing walls of rooftop structures “shall be of equal height,” and (iii) § 770.6(b) which requires that a penthouse “be set back from all exterior walls a distance at least equal to its height above the roof....” As a result of the removal of the top floor of the Office Component, the Applicant no longer requested relief from § 411.1 and 411.5 but the Applicant continued to request relief from § 770.6(b) with respect to the mechanical screen above the North Building for the reasons set forth below.
85. Although the mechanical screen on the North Building is only seven feet four inches above the top of the parapet, it is not set back from the rear façade wall on a one-to-one ratio. Therefore, zoning relief was requested from § 770.6(b). This zoning relief was pointed out by the Applicant to be modest and to be warranted because of the narrowness of the North Building – which is 248 feet in length but only 44 feet in width – and that such relief can be granted without causing any adverse impacts on nearby properties, because of (i) the width of the East-West public alley and (ii) the height of the parapet which will effectively block the view of the mechanical screen from the alley and nearby. (Ex. 115, pp. 14-15.) There were no specific objections to this relief request.
86. Flexibility for a Five Percent Increase in Height of the Office Building. Because the Applicant proposes to locate two conference/office rooms, small bathrooms and a small catering kitchen at the roof level alongside the mechanical penthouse, the entire roof level (including the mechanical equipment) must be counted as “gross floor area” and as “height of building” under the Zoning Regulations. Therefore, in order for the Applicant to provide access to the roof terrace by office tenants and to the conference rooms located on the seventh floor, the elevator over-run requires an increase in height. The result is that the height of the Office Component at 7<sup>th</sup> and Pennsylvania is 94 feet six inches. For this reason, the Applicant requested that the Zoning Commission apply the five percent flexibility for height of building authorized by § 2405.3 of the Zoning Regulations in order to allow the proposed building height of the Office Component. (Ex. 115, p. 9; Ex. 355, Tab G.) Pursuant to § 2405.3, and based upon the above, the Commission finds that the additional height “is essential to the successful functioning of the Project and consistent with the purpose and evaluation standards of this chapter.”

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87. No additional flexibility was requested, or is granted, through this Order.

**Project Benefits and Amenities**

88. Urban Design and Architecture (11 DCMR § 2403.9(a)). The Architecture is the result of a carefully planned complement of materials and scale between the existing neighborhood buildings and the Project. The Project's design breaks the development mass into distinctive parts in order to create a compatible historic district cadence and scale along the streets. The North Building presents as a stepped mass while the South Building is comprised of three distinct components, each further broken down into smaller scale units. Each of these four major components is designed with a variety of different expressions, character, and massing. The Project's character is further defined by the use of the organic materials of the historic district – including brick, stone, slate, wood and tile -- rather than predominately glass or metal materials. Window proportions throughout the Project are tall and attenuated in keeping with the character of windows throughout the historic district. Individual facades have been developed to reflect the diversity of uses in the Project while being characterized by both a modern sensibility and a respect for the historic context.
89. Site Planning (11 DCMR § 2403.9(b)). This Project makes effective and productive use of D.C. surplus property that currently consists of a large, unused and vacant former school building and an unattractive surface parking lot. The Project will provide a vibrant mixture of office, residential, and retail uses on the Property, thereby generating new daytime and evening populations to enliven the streets, support existing businesses, make greater use of existing neighborhood services and facilities, and provide a significant return to the city on its major investment in public transportation infrastructure serving the immediate area. The Project will also reconnect the 600 and 800 blocks of C Street which were closed to traffic in the early 1960's, thereby improving pedestrian, vehicular, and bicycle access through the community. Finally, the site is designed to splay the new building at the corner of 7th and C Streets in order to create a new plaza that will accommodate weekend vendors, outdoor café space, and other community activities to contribute to this location becoming a central focal point to the Capitol Hill community.
90. Effective and Safe Vehicular and Pedestrian Access (11 DCMR § 2403.9(c)).
- a. The Applicant will reintroduce the currently closed portion of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets. The new street will be privately constructed, repaired and maintained but will be subject to an easement that ensures public use. C Street will be available for vehicular and pedestrian traffic and parking, except when it is being used for weekend flea markets or pre-scheduled uses, community or special events. The new C Street will provide much improved pedestrian and vehicular

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circulation in and around Eastern Market and will better connect the Capitol Hill community as well as take pedestrian and vehicular traffic off the East-West alley to the north of the Site. Vehicular access will be provided via the proposed driveway along C Street. This driveway will provide direct access to a two-level below-grade parking garage which will service the entire Project. The Applicant will support any ANC effort to restrict residential zone parking permits and visitor parking permits;

- b. Subject to the approval of DDOT, the Applicant will provide enhanced pedestrian safety during the hours of operation of the weekend flea markets which will consist, at a minimum, of a temporary barrier installed on both sides of the entrance to the parking garage to keep all pedestrian traffic away from the garage entrance during market times, and when there are special events in the street or in the plaza, as needed;
- c. The Applicant will develop and implement the following Transportation Demand Management Plan:
  - i. A Maintenance of Traffic Plan will identify temporary impacts to transportation facilities such as sidewalks and bus stops, per review and approval of DDOT. The construction manager in conjunction with the Applicant will maintain or coordinate the relocation of any existing bus stops;
  - ii. The Applicant shall provide a total of 176 bicycle spaces: 120 in the South Building's garage, 20 in the North Building and 36 outside (at grade). For at-grade bicycle spaces, the Applicant will use "Eastern Market Bike Racks", subject to Public Space approval and pursuant to the terms of the MOA;
  - iii. The Applicant will make a minimum of one parking space per South Building residential unit available for purchase or lease, at market rate, to initial South Building residential occupants. Parking spaces will be unbundled and sold separately from residential units. If there are residential parking spaces that are not purchased or leased by residents of the South Building, such spaces will be offered first to residents of the North building at the same rate offered to residents of the South building, before they are offered for any other use, or to any other user group;
  - iv. Each tenant's initial welcome package, will include:
    - (1) A document outlining website links such as CommuterConnections.com and goDCgo.com;

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- (2) WMATA Metrorail/Metrobus and DC bicycle maps;
  - (3) A \$50 WMATA smart trip card for first time move-ins;
  - (4) A one year Bikeshare membership for first time residential move-ins; and
  - (5) A one year car-sharing membership for first time move-ins.
- v. The Applicant will make available, to a licensed car sharing service, two car-sharing parking spaces within the parking garage, for use by the public;
  - vi. Shower facilities and changing rooms for office and/or retail employees and building staff who commute to work by bicycle;
  - vii. Three electric car charging stations in the garage, available to the public; and
  - ix. The Applicant will post all the above commitments on its project website; and

(Ex. 115, Tab D, pp. 77-78; Ex. 455, Tab F.)

- d. The Applicant will abide by the terms of the Post Completion Traffic Impact Monitoring Agreement, dated August 7, 2012, between DDOT and the Applicant. (Ex. 455D.) This agreement requires the Applicant to monitor and analyze traffic data when the Project is 70% leased up, and to immediately address traffic impacts that exceed projections with TDM actions, and to continue monitoring and implementing additional TDM actions, as necessary, for three years after any failure to meet projections within 10%.
91. Loading and Delivery Management Plan. The Applicant will abide by the Loading and Delivery Management Plan (“Loading and Delivery Plan”) which is an exhibit to the MOA. The matters contained in this plan are subject to coordination with DDOT and the approval by the Public Space Committee (regarding loading and delivery activities on public space). The Project’s Loading and Delivery Plan is intended to address both the needs of the Project and concerns of the community, DDOT, and the Public Space Committee to mitigate impacts and conflicts that loading and deliveries may have on the neighborhood. This plan will be reviewed periodically after the Project is completed and stabilized, and may be updated and improved by the property manager based on actual operations at the building. Any significant changes to loading areas, hours, or policies outlined in this Plan will be presented to the appropriate ANC for comment and DDOT

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and/or the Public Space Committee for approval, prior to taking effect, subject to the approval of the Commission.

The Project will include an interior loading dock that can accommodate trucks up to 30 feet in length (and potentially, and subject to DDOT and Public Space approvals, 55-foot trucks) to service all the components of the South Building and additional loading areas in both public and private space on 7<sup>th</sup> Street and an E-W alley to service the North and South Buildings and accommodate trucks that are longer than 30 feet. All loading and delivery zones serving the Project are shown in a diagram attached to the MOA as Exhibit A. (Ex. 455, Tab F.)

92. Historic Preservation of Private or Public Structures, Places, or Parks. (11 DCMR § 2403.9(d)). The reintroduction of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets will further an important historic preservation objective by physically and visually restoring the L'Enfant Plan street grid. In addition, the Project will create a compatible relationship of the North and South Buildings with Capitol Hill's Victorian-era residential and commercial buildings through the use of materials, proportions, building types and variety. Although the overall design is contemporary, the Project enhances the character of the Capitol Hill Historic District. The streetscape materials such as brick sidewalks, Washington Globe lights, and bollards are designed to reference details of historic Washington and to reflect the character of the neighborhood.
93. Employment and Training Opportunities. (11 DCMR § 2403.9(e)). The Applicant has partnered with a District-based CBE firm that specializes in monitoring, tracking, and reporting of compliance programs, L.S. Caldwell & Associates, Inc. ("LSC"). LSC is both a CBE Equity Partner in the Applicant and is responsible for working with the Applicant and ensuring contracting, employment, and community participation and awareness compliance for professional services, suppliers, and all construction trades. The Applicant's specific proffers for this PUD criterion are:
- a. First Source Agreement: Since the District and Applicant executed the LDDA the Applicant has hired a total of four new employees associated with the Project, 75% of whom are District residents. In addition, as of May 2012, LSC reports that contractors working on the Project have hired a total of 12 new employees, 75% of whom are District residents. The Applicant and the CBE firms on the Project are committed to working with the Department of Employment Services ("DOES") to fulfill and exceed their employment goals on the Project and are committed to providing employment opportunities for District of Columbia residents at both the professional and trade levels. (A copy of the Executed First Source Employment Agreement is identified as Exhibits 355, 470.);
  - b. CBE Participation and Utilization Agreement: The Applicant has signed a CBE Participation and Utilization Agreement with the District of Columbia



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Department of Small and Local Business Development. The Agreement commits 35% of all subcontractable contract opportunities to be awarded to CBE firms. All of the Applicant's current partner companies are CBEs which means that 100% of the Applicant's sponsor equity is also CBE;

- c. One City • One Hire Initiative: The Applicant is committed to the Mayor's economic development program to enhance employment in the District of Columbia through "One City • One Hire" and will encourage all contractors participating on the Project to sign up for this initiative;
- d. Apprenticeship Program: The Applicant and all contractors that are signatories to the DC DOES Employment Agreement strongly support training District residents. To this end, all firms with contracts in excess of \$500,000 that have apprenticeable trades will abide by all apprenticeship program rules and regulations; and
- e. Reporting Requirement: The Applicant will include provisions in its contract with the general contractor on the Project that requires them to adhere to all District of Columbia contracting and employment requirements and report/respond to the Applicant's Compliance firm, at minimum, to ensure outreach and hiring of DC residents, recruitment and training of apprentices in each of the trades working on the job site, and the utilization of a minimum of 35% CBE firms.

Based on a recent analysis, the Applicant expects that the Project will generate approximately 2,471 construction period jobs and approximately 722 permanent jobs.

(Ex. 115, pp. 21-22.)

- 94. Housing and Affordable Housing. (11 DCMR § 2403.9(f)). The Project provides 150-180 dwelling units and approximately 254,000 sf GFA of residential uses, which equates to more than 50% of the density of the Project as a whole. The Applicant will provide 46 of the 150-180 residential units as affordable units as depicted on the Plans. In the North Building, five units will be reserved for households earning less than 30% of the area median income ("AMI") with the remaining 29 units reserved for households earning less than 60% of the AMI. Half of the units in the North Building will be reserved for senior citizens. In the South Building, 12 units will be reserved for households earning less than 80% of the AMI. The North Building units will be affordable for a period of 40 years beginning on the date the affordable housing covenant, which is required by the District of Columbia Government to be executed by the Applicant pursuant to the Land Disposition Development Agreement ("LDDA"), is recorded. The South Building units will be affordable for so long as the Project exists.

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95. Senior Housing. The Applicant will reserve 17 residential units in the North Building for seniors 55 years of age or older. These units will include universal design elements such as grab bars in every bathtub and higher toilet seats. The North Building will also have a chair rail in the public corridors to provide a stability assist and a seating bench at each elevator landing and in the main lobby. At least two of the units will be reserved for seniors with incomes at or below 30% of the AMI, and the remaining units will be reserved for seniors with incomes at or below 60% of the AMI.
96. Environmental Benefits. (11 DCMR § 2403.9 (h)). The Applicant will use commercially reasonable efforts to design the Project so that it satisfies LEED Gold with respect to the South Building and LEED Silver regarding the North Building. Nevertheless, the Applicant may (but will not be required to) obtain LEED Gold or LEED Silver certification from the United States Green Building Council. The Project will develop and maintain the environmental/green features depicted on the Plans, which will include 1.1 to 1.3 acres of green roofs and a courtyard planted with native or adapted vegetation.
97. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole. (11 DCMR § 2403.9 (i)).

*General:*

- a. The addition of 158 new households and approximately 202,000 square feet of commercial uses will support a critical mass of new retail space that will attract additional residents and visitors to historic Eastern Market and existing retailers which will generate new weekday activity in the neighborhood that will further generate retail sales;
- b. The Project will also generate a significant amount of additional tax revenues for the District of Columbia. A 2010 analysis concluded that the Project would generate approximately 1,257 construction period jobs; approximately 700 permanent jobs; approximately \$7.1 million in annual taxes upon stabilization and approximately \$220 million in new taxes to the District over a 20-year period; (Ex. 20, p. 59.);
- c. The new streetscapes surrounding the Project are designed to be an amenity to the users of the Project and a benefit to the Capitol Hill community. Special attention has been made for the 8<sup>th</sup> Street facades and landscaping to accentuate the residential nature of 8<sup>th</sup> Street, while the streetscapes on Pennsylvania Avenue and 7<sup>th</sup> Street reflect the more commercial nature of these facades. There will be multiple retail spaces facing the commercial streets with a pedestrian clear zone, tree zone, and room for outdoor seating and retail spilling into the public realm. In an effort to create more open space for public benefit and at a diminution of

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FAR to the Applicant, a Plaza with landscaping and potential water features was created for family, dog, and children-friendly use; (Ex. 20, p. 60.)

*Memorandum of Agreement:*

- d. The Applicant will abide by the terms of the MOA, dated August 13, 2012, between ANC 6B and the Applicant. (Ex. 455F.) Many of the terms included within the MOA are significant public benefits, several of which are described in the following paragraphs and include, but are not limited to, the following:
  - i. Loading and Delivery Plan;
  - ii. Vendor Parking;
  - iii. Support of Restriction of RPP and VPP from the South Building;
  - iv. Car Sharing;
  - v. Pedestrian Safety;
  - vi. Open Space Management Plan;
  - vii. Involvement with Public Space Programming;
  - viii. Tabletop Logistics Exercise for set up, lay out, and take down of the weekend flea market;
  - ix. Restrictions on Placement and Type of Retail;
  - x. Retail Plan;
  - xi. Percentage of Retail Space for Local and Unique Retailers;
  - xii. Child Development Center;
  - xiii. Conference Space for Community Meetings;
  - xiv. Space for Community Oriented Non-Profits;
  - xv. Financial Donation for a Playground;
  - xvi. Request of the District to Repave 7<sup>th</sup> Street between C and Pennsylvania Avenue;

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- xvii. Financial Donation for Public Space Landscaping for the District controlled portion of Eastern Market Metro Plaza;
- xviii. Office Space for ANC 6B; and
- xix. Use of Eastern Market Bike Racks;

*Construction Management Agreement:*

- e. During the construction of the Project the Applicant will adhere to the CMA, which is attached as an exhibit to the MOA, dated August 13, 2012; (Ex. 455F.)
- f. In addition, the Applicant has agreed to include the 200 block of 8th Street within the "Adjacent Properties" described in more detail in the Mitigation Fund paragraph in § 10(D) of the CMA;

*Reintroduction of 700 Block of C Street, Creation of Public Plaza, and Accommodation of Flea Market:*

- g. The Applicant will reintroduce the currently closed portion of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets. The new street will be privately constructed, repaired and maintained but will be subject to an easement that ensures public use. C Street will be available for vehicular and pedestrian traffic and parking, except when it is being used for weekend flea markets or pre-scheduled uses, community or special events. The new C Street will provide much improved pedestrian and vehicular circulation in and around Eastern Market and will better connect the Capitol Hill community as well as take pedestrian and vehicular traffic off the East-West alley to the north of the Site;
- h. The Project will provide a Public Plaza that is landscaped and developed, as shown on the Plans, subject to the further review and approval of the HPO. The Plaza will be used for a variety of community, social, recreational and other uses during the week and space will be made available for flea market use on weekends (weather-permitting) in the location as depicted on Exhibit C of the MOA and the Plans. The Project will provide a Public Plaza that is landscaped and developed, as shown on the Plans, subject to the further review and approval of the HPO;
- i. In conjunction with the weekend flea market, the Applicant will make available no fewer than 50 parking spaces in the garage and no fewer than eight spaces for trucks ranging in length from 12 feet up to 24 feet in the loading dock between 7:00 a.m. and 7:00 p.m. (provided such spaces are utilized by vendors who arrive no later than 10:00 a.m.). These spaces will be made available in the aggregate to

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the Market management at no more than 50% of the market rate for an all-day (Saturday, Sunday) retail parking space;

- j. The Applicant will create and participate in an advisory community group related to the use and operation of the Plaza;
- k. Prior to construction, the Applicant will commission a tabletop logistics exercise covering the setup, layout, and take down of the flea market. As described in the MOA, such an exercise will include weekend market operations during the construction period and operations post-construction;

*Retail and Service Uses:*

- l. The Applicant will have the options to develop the below-grade retail/service uses in the North Building (as depicted on the Plans) and/or in the South Building (as depicted on the Plans). If below-grade retail/service uses are developed in the South Building, such uses will not exceed 25,000 square feet and may include a health club/gym, grocery store, drug store or similar retail or service use. In the event the Applicant determines that some or all of such below-grade area in the South and/or North Building is economically infeasible for retail or service uses, such area will be used for storage or other usual and customary uses that are typically provided in below-grade space in a mixed-use building;
- m. The Project will provide 40,000 to 70,000 square feet of at-grade and below-grade retail and service uses, as depicted on the Plans, subject to the following restrictions:
  - i. No entrances to any commercial use will be on 8<sup>th</sup> Street;
  - ii. No below-grade entrances will be permitted that face D Street;
  - iii. Restaurants and outdoor seating for restaurants will be restricted to areas depicted on Exhibit E of the MOA;
  - iv. The Applicant will prohibit tenants, by terms of their leases, from applying for a nightclub liquor license pursuant to the definition of "nightclub" in the Alcoholic Beverage Control Statute, D.C. Official Code § 25-101 (33). The Applicant will lease 20% of the above-grade retail square footage of the Project to retail tenants with fewer than six locations operating under the same name and ownership and the owner's principal place of business is within the Washington DC metropolitan area) at market rates and an additional 1,000 square feet of space to unique small

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retailers that are located only at the Project at rents that are equal to or less than 75% of the market rents; and

- v. The Applicant will provide no fewer than 2,400 square feet of at-grade space in the project for a child development center serving no fewer than 24 0-3 year olds, and may supplement this with additional below-grade space that can be used for back of house operations for additional older children. The Applicant will use commercially reasonable efforts to procure a suitable child development center tenant. After six months of commercially reasonable marketing efforts marked from the point of substantial building completion of the South Building, if such tenant is not procured, the Applicant may market the identified space for another use. At that point or at any point during the construction period, Applicant may seek to revise this provision with approval of the ANC for the limited purpose of executing an agreement with a child development center that uses less than the required 2,400 ground floor square feet or serves fewer than 24 children. In the event the Applicant procures a child development center, Applicant will agree to a tenant improvement ("TI") subsidy of \$65 per square foot for build out and development of necessary infrastructure. In the event that the total square footage of the child development center is greater than 3,400 square feet, the minimum TI contribution from the Applicant will be \$45 per square foot. In the event the initial operator vacates the space, and a child day care use is still a viable community need with a market demand for such facilities, the Applicant will use commercially reasonable efforts to replace the tenant with another child day care provider. If the Applicant is unable to sign a lease under commercially reasonable terms within six months of the notice that the space is being vacated, Applicant may lease the space for any permissible use;

*Community Space Within Buildings:*

- n. The Applicant will provide rent-free conference room space for use by the ANC for community meetings. If any additional security or cleaning costs are incurred, a fee to cover these costs may be charged;
- o. The Applicant will provide office space for use by the ANC for no less than 20 years at a rental rate of \$1.00 per year plus 100% of all common area fees and pass-throughs. The ANC will be responsible for paying the pass-through charges for its proportional share of the real estate taxes, building insurance, common utility costs, maintenance, and other charges for such space as are commonly passed through to tenants under triple net leases in the District of Columbia;

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*Financial Contributions:*

- p. Eastern Market Metro Plaza: The Applicant will donate \$50,000.00 to Celebrate Capitol Hill Inc., a 501(c)(3) nonprofit organization, to support high-quality public space landscaping of the District controlled portions of the Eastern Market Metro Plaza, in the direct sight lines of the Project, subject to the approval of any governmental agencies with jurisdiction over such public space. In the event this proffer conflicts with the MOA, this proffer shall govern; and
- q. Playground: The Applicant will donate \$75,000 to the District of Columbia Department of Parks and Recreation for a playground at the park located immediately east of the Project and North of Pennsylvania Avenue, subject to the approval of any governmental agencies with jurisdiction over such public space. In the event this proffer conflicts with the MOA, this proffer shall govern.

**Consistency with Comprehensive Plan**

- 98. The PUD is consistent with the following policies of the Land Use Element of the Comprehensive Plan (10 DCMR § 300):
  - a. Policy LU-1.3.2: Development Around Metrorail Stations. The Project is located directly across Pennsylvania Avenue from the Eastern Market Metrorail station;
  - b. Policy LU-1.3.3: Housing Around Metrorail Stations. The Project will provide 158 residential housing units directly across from the Eastern Market Metrorail station. The close proximity to the Metrorail station will also allow more affordable housing since it reduces the necessity of auto ownership (which correlates to a related reduction in household expenses);
  - c. Policy LU-2.1.3: Conserving, Enhancing and Revitalizing Neighborhoods. The Project recognizes the importance of balancing the increase in housing supply, addition of neighborhood-serving retail and accommodating the Eastern Market vendors with the parallel goal of protecting the neighborhood character. The Applicant has worked closely with the HPO and HPRB to ensure that the use of materials, proportions, building types and variety are compatible with the Capitol Hill Historic District;
  - d. Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings. The Applicant will develop a large parcel of land, which is currently improved with a vacant school building that the District deemed surplus property, with a mixed-use Project that will provide varied housing options, neighborhood amenities, pedestrian-oriented streetscapes, and a distinctive public urban plaza; and

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- e. Policy LU-2.2.4: Neighborhood Beautification. The Project will further the important goal of neighborhood beautification by improving the visual quality of the Capitol Hill neighborhood, including landscaping and tree planting, removal of an abandoned building, street and sidewalk repair, and the creation of a landscaped urban plaza.
99. The PUD is consistent with the following policies of the Transportation Element of the Comprehensive Plan (10 DCMR § 400):
- a. Policy T-3.1.1: Transportation Demand Management (TDM) Programs. The Project will support and promote programs and strategies aimed at reducing the number of car trips and miles driven for work and non-work purposes by providing the following: (i) a car-sharing program; (ii) prefunded WMATA Smart-trip cards to the first residential tenants to occupy each unit at move-in; (iii) showers/changing area for retail and office employees who commute to work by bicycle; (iv) three electric car charging stations available to the public; (v) participation in the Capital Bike Share Program; (vi) shared parking in the garage between weekday office tenants and evening and weekend Eastern Market and Barracks Row retail customers; (vii) bike racks in excess of the number required by the Zoning Regulations; and (viii) parking management by experienced professionals. The TDM program will increase the efficiency of the transportation system; and
- b. Policy T-3.1.3: Car Sharing. The Project will encourage car sharing as an alternative to private vehicle ownership by dedicating two parking spaces to one of the District's car-sharing programs. In addition, the first residential tenants to occupy each unit will receive a one year car sharing membership at move-in.
100. The PUD is consistent with the following policies of the Housing Element of the Comprehensive Plan (10 DCMR § 500):
- a. Policy H-1.1.5: Mixed Use Development. This policy promotes mixed use development, including housing, on commercially zoned land. The requested map amendment will change the zoning of the land from R-4 to C-2-B, thereby creating a mixed-use development on commercially zoned land;
- b. Policy H-1.1.5: Housing Quality. The residential units to be provided by the Project will be of high quality. Importantly, the affordable housing units within the Project will meet the same high-quality architectural standards required of market-rate units;
- c. Policy H-1.2.5: Workforce Housing. The Comprehensive Plan encourages satisfying the housing needs of those in the public service professions whose



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wages are insufficient to afford market-rate housing in the city. The Project will provide 34 housing units in the North Building that are affordable to many people in the District's "workforce," an additional 12 units in the South Building will be marketed directly to the District's teachers, police, firefighters, and librarians;

- d. Policy H-1.2-A: Inclusionary Zoning. Whereas the IZ regulations require that eight percent or 10% of the residential GFA be devoted to affordable units, the Project will set aside 29% of the units as affordable units. This amount of affordable housing provided will substantially exceed what the IZ program would have required; and
  - e. Policy H-4.2.2: Housing Choices for Seniors. This policy is aimed at providing a wide variety of affordable housing choices for the District's seniors. The Project fulfills this policy by offering 17 affordable senior housing units devoted to seniors aged 55 years old and older. At least two of the units will be reserved for seniors with incomes at or below 30% of the AMI, and the remaining units will be reserved for seniors with incomes at or below 60% of the AMI.
101. The PUD is consistent with the following policies of the Environmental Protection Element of the Comprehensive Plan Environmental Protection (10 DCMR § 600):
- a. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff. The Project will provide at the South Building: green roofs totaling approximately 49,834 square feet, 7,545 square feet of landscaping within the Courtyard, and landscaped terraces, which will reduce stormwater runoff.
102. The PUD is consistent with the following policies of the Economic Development Element of the Comprehensive Plan (10 DCMR § 700):
- a. Policy ED-2.2.3: Neighborhood Shopping. The Project will promote the creation of locally owned business establishments. Specifically, the Applicant will provide a minimum of 20% of the retail space to small and locally owned retailers, at least 1,000 square feet of which will be leased at below-market rents to a single outlet local retailer; and
  - b. Policy ED-3.1.1: Neighborhood Commercial Vitality. The Project promotes this policy by complementing the Eastern Market by creating new spaces along C Street and the plaza for market vendors, attracting new retailers to the Site and improving the mix of goods and services provided to the neighborhood.
103. The PUD is consistent with the following policies of the Park, Recreation, and Open Space Element of the Comprehensive Plan (10 DCMR § 800):

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- a. Policy PROS-4.3.2: Plazas in Commercial Districts. The Project will provide a public urban plaza along the north side of the South Building. The plaza will be landscaped, will potentially include a water element and will provide an area for outdoor café seating. The plaza will also be available on weekends for the flea market and for pre-scheduled uses, community or special event programming; and
  - b. Policy PROS-4.3.3: Common Open Space in New Development. This policy promotes both new and rehabilitated buildings to include, among other things, green roofs and landscaped open areas. The Project will include green roofs totaling approximately 49,834 square feet on the South Building. The South Building will also have a landscaped Courtyard, totaling approximately 7,545 square feet, for the residents. The 8<sup>th</sup> Street Residential Component will provide a pool and landscaped roof deck area on the fifth floor as well as private landscaped roof terraces for the residential units on the sixth floor. The Office Component will include terraces on the sixth and seventh floors and roof level for use by the office tenants. The Plaza Component for residential use will offer a sixth floor communal recreation room which leads out to a roof terrace on the sixth floor. As for the North Building, the existing portico has been refined in scale and embellished with an open pergola extension to the east providing shade to a new outdoor sitting terrace.
104. The PUD is consistent with the following policies of the Urban Design Element of the Comprehensive Plan (10 DCMR § 900):
- a. Policy UD-2.2.1: Neighborhood Character and Identity. The Applicant has related the scale and architecture to the existing neighborhood context, including that of the Capitol Hill Historic District;
  - b. Policy UD-2.2.5: Transitions in Building Intensity. To address the relationship between the new development and the lower scale existing residential housing to the east, the Applicant designed the Project in such a way as to reduce the apparent size by recessing the upper floor of the 8<sup>th</sup> Street Residential Component. Therefore it will predominantly be four stories along the street edge of 8<sup>th</sup> Street with a fifth-floor setback. The North Building also has a partial fourth-floor setback from both the 7<sup>th</sup> and 8<sup>th</sup> Street elevations to reduce its visual bulk relative to Eastern Market on the west and the lower-scale residential row houses on the east;
  - c. Policy UD-2.2.5: Creating Attractive Facades. The Project is in keeping with this policy of creating visual interest through well-designed building facades;
  - d. Policy UD-2.2.11: Parking Structures. This policy encourages creative solutions for designing structured parking to minimize its visual prominence. The Project

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will contain below-grade parking levels and will provide a fully enclosed truck docking area; and

- e. Policy UD-3.1.11: Private Sector Streetscape Improvement. The Applicant proposes to reintroduce C Street to make a visual and physical reconnection of the historic street between 7<sup>th</sup> and 8<sup>th</sup> Streets. The Applicant will construct, maintain and repair the entire landscaped plaza, street and sidewalk area between the North and South buildings at its own expense during the term of the ground lease. The plaza will contain café seating and, potentially, a water element.
105. The PUD promotes the policies and objectives of the Capitol Hill Area Element. The Comprehensive Plan lists general policies and actions to guide growth and neighborhood decisions in the Capitol Hill Planning Area. The Project is consistent with a number of these policies as set forth below:
- a. Policy CH-1.1.3: Upgrading Commercial Districts. This policy calls for the reinforcement and upgrade of the major commercial districts, such as the Pennsylvania Avenue corridor and 7<sup>th</sup> and 8<sup>th</sup> Street, and supports the development of these areas with local-serving retail services provided they are compatible with the surrounding neighborhood. The Project is located within, and will enhance, this area;
  - b. Policy CH-1.1.9: Conversion of Non-Residential Structures. The Comprehensive Plan encourages the conversion of obsolete or vacant non-residential structures, including schools. The Project fulfills this objective; and
  - c. Policy CH-2.2.4: Eastern Market. The policy is to promote the Eastern Market and preserve the historic character of the market and surrounding area. The Project achieves this objective by providing outstanding architecture that pays homage to the market design through the materials used and the splaying of the Plaza by increasing economic activity and bringing new residents to the neighborhood who will patronize the market; and by providing outdoor market vendors with weekend space on C Street and the Plaza. It provides parking in the neighborhood for the market patrons and it provides vendor truck parking, at below market rate, and access to the freight elevator within the South Building to reduce or eliminate vehicles from parking on the plaza or in the residential neighborhood.

#### **Consistency with Future Land Use Map**

106. The 2006 Comprehensive Plan's Future Land Use Map, was amended by the Comprehensive Plan Amendment Act of 2010 and became law on April 8, 2011. The amended Future Land Use Map (Amendment #30) designates the Property as Mixed Use:

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Moderate-density residential and moderate-density commercial. The Site is within an area with properties to the east and northeast of the site designated for moderate-density residential while the properties to the south, west, and northwest are designated for moderate-density commercial. The property's designation as a mixture of uses allows for a development that relates to both the adjacent residential and commercial uses. Moderate-density residential uses allows low-rise apartment buildings while the moderate-density commercial where retail, office and service businesses are the predominant use. A PUD related C-2-B zoning for the site would not be inconsistent with the Comprehensive Plan.

### **Consistency with Generalized Policy Map**

107. The site is located within an area designated as a neighborhood Conservation Area. The guidance and guiding philosophy toward development in these areas is to:

*“conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.”*

The proposal to redevelop the site with a mixture of housing, retail and office uses is not inconsistent with the designation as a Land Use Change area and the density proposed is not inconsistent with the Future Land Use map for a moderate density development.

### **Agency and Government Reports and Correspondence**

#### **Office of Planning Reports and Testimony**

108. In its setdown report, dated February 3, 2012, OP supported the redevelopment of the site and recommended the Commission set down the Application for hearing. OP requested the Applicant address the following issues prior to the hearing:
- a. Design issues from the HPO;
  - b. Identify the amenity space uses within the penthouse of the Plaza Building;
  - c. Provide information on access to/from the 8<sup>th</sup> Street alternate below-grade retail space, redesign the 20.75 feet high elevator over ride on the Office Building to be no taller than the 18.5 feet zoning requirement;

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- d. Provide a completed LEED checklist;
- e. Provide details of the loading management plan; and
- f. Provide information regarding the retail strategy.

(Ex. 15.)

109. OP submitted its final report, dated June 4, 2012, recommending approval of the Project with the following conditions:

- a. Signed DOES and CBE agreements to be provided to the Zoning Commission prior to final action;
- b. Additional information be provided identifying the measuring points and elevations for each building and building component;
- c. Additional information be provided to address the relative size of the noted two-bedroom affordable units relative to the other units in the South Building;
- d. No non-residential windows be placed on the ground level of the 8<sup>th</sup> Street façade; and
- e. No fixed furniture or landscaping be installed in the C Street Plaza to allow the space to be flexible and responsive to flea market and other community public events.

(Ex. 134.)

110. OP also encouraged the Applicant to examine the possibilities to increase the plaza space along the C Street including pulling only the ground floor back so it is parallel to C Street while maintaining the upper residential floors to allow for the flea market, farmers markets and community events. (Ex. 134.)

111. OP provided testimony at the June 14, 2012 hearing recommending approval of the proposed PUD and associated map amendment with conditions referenced in the OP report. OP acknowledged that there had been significant changes to the Project since the case was set down due to the Applicant's work with the HPRB, OP, ANC and other members of the community. OP testified that the proposed C-2-B map amendment was not inconsistent with the Comprehensive Plan, does not object to the requested five percent flexibility in height but asked the Applicant to provide additional information.

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112. OP also recommended additional design techniques at the corner of 8th and D Streets, such as textured glass or decorative brick inlays be employed but also pointed out that this is a modification that could be further discussed with HPO.
113. OP expressed support for the below-grade alternative uses and the 46 affordable units.
114. The Applicant submitted a written response directly to OP, dated June 13, 2012, addressing all of the questions/conditions listed in the June 4th OP Report. In addition, the Applicant has submitted into the record both the DOES and CBE Agreements.

#### **Department of Housing and Community Development**

115. Attached to the June 4, 2012 OP Report was a memorandum in support of the Project from the Department of Housing and Community Development (“DHCD”) to OP, dated April 25, 2012, regarding the review of the Application. DCHD stated (i) the proposed size and density was appropriate; (ii) it strongly supports the continuous ribbon of first-floor retail uses; (iii) it supported the seven floor height for the office building at 7<sup>th</sup> and Pennsylvania Avenue; (iv) it supported the re-opening of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets; (v) the canted angled façade of the Plaza Building is helpful in creating a plaza that, when added to width of C Street, will result in a larger plaza that can adequately accommodate the weekend craft market; (vi) the bulk of the South Building is successfully broken up with varying heights; (vii) it strongly supports the amount of affordable units and inquired about the requirements of Inclusionary Zoning; (viii) it noted that while the amount of affordable units is laudable, affordable units normally should be integrated into a total mixed-income project and not separated out; and (ix) to help mitigate the increased percentage of affordable units in the North Building as compared to the remainder of the development, DHCD recommended that the Applicant should take steps to assure that the design and materials used on the North Building have the same level of quality and finish that the South Building will have. (Ex. 134.)

#### **Department of Transportation Reports and Testimony**

116. By report dated June 4, 2012, DDOT noted its general agreement with the TDM strategies proposed by the Applicant but requested the Applicant also install a real-time Transit information screen at the residential and office lobby entrance to facilitate a higher level of transit ridership. DDOT also noted under what conditions they would require the Applicant to submit an annual monitoring report for the first three years after the Project is at least 70% occupied. (Ex. 132.)
117. DDOT outlined concerns with the Applicant’s transportation study. Among these concerns were the following:

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- a. The Applicant's analysis does not take into account trip generation resulting from parking that will serve off-site locations;
- b. Many assumption are inappropriately documented;
- c. Some of the trip generation and trip reduction assumptions lead to understating of potential impacts; and
- d. DDOT will not allow loading facilities on 7<sup>th</sup> Street to accommodate 55+ foot trucks.

As a result, DDOT requested the Applicant to update and resubmit the analysis. (Ex. 132.)

118. DDOT submitted a supplemental report dated July 11, 2012, supporting the Applications with conditions and recommendations:
  - a. The estimated trip generation consisted of liberal assumptions for trip reduction due to transit use, internal capture, and for walking/bike trips: DDOT believes that many of these reductions are achievable, but only with implementation of proper TDM strategies and by limiting the supply of parking. If these reductions to non-vehicle trips occur, then DDOT believes that the additional impact to the roadway network from the development program is manageable;
  - b. A performance monitoring program is recommended to determine if the proposed vehicle trip generation is in line with the actual trip generation. If performance monitoring shows that the generated trips exceed the estimated trips, then the Applicant must mitigate the additional trips though TDM measures or improvements to the roadway network;
  - c. The excess supply of retail parking provided by the Applicant will provide only very short term parking relief for the demand of on-street parking. Due to the large demand for parking in the area, the excess supply provided by the applicant will provide no long term relief but will increase neighborhood traffic;
  - d. The Applicant is to coordinate with DDOT regarding the design of streetscapes, sidewalks and public spaces throughout the public space permitting and is expected to adhere to all relevant design guidelines; and
  - e. DDOT will not allow permanent dedicated loading facilities on 7<sup>th</sup> Street that will accommodate 55+ foot trucks. DDOT recommends that the Applicant coordinate with DDOT on a loading scheme and delivery schedule that accommodates existing traffic demand, the need for safety, and character of the neighborhood,

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and DDOT will work with the applicant to dedicate curbside loading space on 7th' Street at specific hours in accordance with the loading and delivery plan. DDOT will also not support back-in maneuvers from 7<sup>th</sup> Street to an on-site loading facility due to safety concerns.

In subsequent meetings with the Applicant, DDOT agreed to work with the Applicant on curbside loading.

119. At the June 21, 2012 hearing, DDOT updated the Commission that the Applicant has continued to coordinate with DDOT throughout the course of the zoning process. DDOT, the Applicant, and members of ANC 6B met to discuss DDOT's June 4, 2012 report, which disagreed with many of the findings and assumption in the Applicant's traffic impact analysis. The purpose of the meeting was to come up with resolutions on assumptions that identify potential impacts and mitigations. DDOT testified that the Applicant followed up with additional information and clarification in several subsequent memoranda and that, based on these follow-up meetings and memoranda, DDOT is confident that they have been able to reach basic agreement on the analysis, and while they retain some difference of opinion on the assumptions, DDOT testified that the major areas of concern have been resolved. DDOT added that its initial concerns about trip generation assumption have largely been addressed.
120. DDOT requested the Commission require a robust TDM, that at a minimum includes charging market rates for parking and that the Applicant monitor performance of the development.
121. DDOT stated that the agency believes the analysis provided by the Applicant is "adequate and that the increase in traffic delay resulting from the Project is within an acceptable range." DDOT will work with the Applicant to finalize a loading plan for large trucks that will require approval from DDOT and/or the Public Space Committee, depending on the option pursued. DDOT requested the opportunity to submit a supplementary report, which was later granted by the Commission. (June 21 Tr., pp. 24-51)
122. In a memo (DDOT's supplemental submission), dated August 10, 2012, DDOT stated its support for the approach detailed in the Applicant's "Post Completion Traffic Monitoring Agreement", dated August 7, 2012. (Ex. 455, Tab D.) This agreement sets forth the details by which the Applicant will monitor and mitigate unanticipated impacts to the District's transportation network. (Both the DDOT Memo and Applicant's Post Completion Traffic Monitoring Agreement are included in Ex. 455, Tab D.)
123. As noted, the Commission also received a supplemental report from DDOT, dated September 21, 2012, DDOT indicated that notwithstanding "minor problems" in the Applicant's analysis including underestimating not-driveway vehicle trips and incorrect



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right-on-red assumptions, it found no need to modify the monitoring agreement reached with the Applicant that begins monitoring at 70% commercial occupancy and 90% residential occupancy. (Ex. 471.)

#### **Deputy Mayor for Planning and Economic Development**

124. By letter dated June 20, 2012, Victor L. Hoskins, Deputy Mayor for Planning and Economic Development, stated his support for the Project and noted that the District has been involved in the Project throughout the planning process and has reviewed and approved both the HPRB application and the PUD application. Deputy Mayor Hoskins also praised the development for the creation of high-quality affordable housing as well as the significant additional tax revenue the Project will generate for the District. (Ex. 344.)

#### **Historic Preservation Review Board**

125. The Applicant appeared before HPRB a total of four times: April 28, 2011, at which time HPRB approved the site plan and overall architectural direction in concept; June 30, 2011, at which time HPRB approved the height, scale, and massing of the conceptual plans; August 4, 2011, at which time HPRB adopted the recommendation of the HPO to approve the conceptual height and massing of the North Building and the South Residential Component. HPRB also approved the conceptual landscaping plan and directed the Applicant to study design revisions suggested by the HPO and HPRB as the Project develops further. (Ex. 20, pp. 17-18, Tab B for HPO Staff Reports and HPRB Hearing Actions.)
126. The HPO staff report and recommendation for the April 26, 2012 hearing stated that, “the changes represent a substantive response to the Board’s concerns, and result in a significant improvement to the project’s compatibility with the character of the Capitol Hill Historic District.” HPRB found the revisions to improve the compatibility of the conceptual plan and to be consistent with the purposes of the historic preservation act and concluded that any substantial changes should return to HPRB for further review. (Ex. 115, Tab C HPO Staff Report and HPRB Action.)

#### **Eastern Market Community Advisory Committee (“EMCAC”)**

127. Donna Scheeder, chair of EMCAC, an organization created by D.C. Official Code 37-111, testified at the June 14, 2012 hearing. EMCAC supports the Project and focused her testimony on the need for parking and the continuation of the flea market. EMCAC stated that parking is an ongoing concern in the community and disagrees with certain aspects of reports issued by OP and DDOT that find anything to the contrary, noting that a parking reduction should be rejected. EMCAC testified that the organization objects to

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the word “surplus” as used by the Applicant when acknowledging that the amount of parking provided by the Project will exceed the zoning requirement and, as a result, there may be “surplus” parking spaces available to the flea market on the weekends. EMCAC recommended the Commission base its assessment of the space devoted to the flea markets on the space available in the entire Eastern Market Special Use District, rather than on the Project Site alone. This special use district is currently being introduced to the D.C. City Council. (June 14 Tr., pp. 249-277, Ex. 271)

### **Advisory Neighborhood Commission 6B**

128. ANC 6B submitted a letter, dated June 14, 2012, into the record with a draft Memorandum of Agreement attached. (Ex. 290.) The ANC indicated that at its June 12, 2012 properly noticed meeting, with a quorum present, the Commissioners voted six in support and four in opposition, approving the MOA which represents the ANC’s agreement with the Applicant and the basis of the ANC’s support of the Application. The letter also stated that the final execution of the MOA would take place prior to the conclusion of the PUD hearing. (Ex. 290.) The ANC also approved, by a vote of 10 to zero that Commissioners Ivan Frishberg and Brian Pate represent the ANC before the Commission and that they have the authority to finalize all agreements and exhibit on behalf of ANC 6B.
129. As noted, the ANC ratified a memorandum dated October 9, 2012 that responded to the Applicant’s submission of September 24, 2012. The issues and concerns raised by the ANC in that memorandum are discussed set forth finding of fact number 40. Similarly the ANC responded to the Applicant’s October 31, 2012 submission through a letter dated November 8, 2012. The issues and concerns stated in that letter are described in finding of fact number 58.
130. Single Member District Commissioner for the Property, Ivan Frishberg, ANC/SMD 6B02 testified in support on behalf of the ANC before the Commission. (June 21, 2012 Tr., pp. 86-95, 116-125.) Commissioner Frishberg provided the Commission with background as to the ANC’s involvement with the Project dating back to the LDDA process. He testified that following the LDDA process the ANC held numerous meetings to engage the public. Given the lengthy HPRB process, the ANC held special meetings (sometimes twice for each step of the process). After the first HPRB hearing and with the intent to create a “conversation among the various interests on Capitol Hill,” the ANC created a subcommittee devoted to the proposed Project, which included members of community and stakeholder groups beyond the ANC. This subcommittee process included many working groups, public meetings, and a lengthy negotiation between Commissioners Frishberg, Pate and the Applicant. The entire process resulted in the adoption of the MOA and therefore the ANC stated it is in support of the Application.

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131. Commissioner Frishberg presented a PowerPoint presentation to review the proffered benefits and amenities, including the childcare facility, space for nonprofits, and office space for the ANC.
132. Single Member District Commissioner for the area abutting the Property, Brian Pate, ANC/SMD 6B05 also testified in support on behalf of the ANC before the Commission. Commissioner Pate updated the Commission on the provisions agreed to by the Applicant, including the following:
  - a. Improvement of pedestrian safety, including the location of a barrier at the C Street garage entrance on weekends so that it would deconflict pedestrian traffic from traffic using the garage;
  - b. Concentration of loading deliveries to the west side of the Site, away from residential areas;
  - c. With regard to height and mass, the ANC's subcommittee found the Office Building at the corner of 7<sup>th</sup> Street and Pennsylvania Avenue to be the most incompatible. The ANC focused on the height, since not as many were concerned about the mass. Therefore, the ANC proceeded to negotiate with the Applicant to remove the setback floor of the Office Building's top floor. This resulted in a reduction in height from 104 to about 92 feet, which according to the ANC effectively mitigate some of the height concerns;
  - d. The ANC has worked with the Applicant, to mitigate some of the loss of public space by making donations to viable projects in the community, including \$50,000 to "Celebrate Capitol" to build an information kiosk and \$75,000 for the development of playground structure; and
  - e. In response to concerns the ANC had with regard to possible encroachment of retail into residential areas, the Applicant agreed to the following: 1) not to place any commercial use on 8<sup>th</sup> Street, 2) entrance for the below-grade retail will be off of Pennsylvania Avenue, 3) lower-impact retail, commercial, professional, or childcare entrances into the building will be from D Street, and 4) to ensure that the reopened C Street would be treated as a holistic part of the Eastern Market Historic Special Use District the ANC requested, and the Applicant agreed to, treat this private space as a space protected by the First Amendment and the creation of a committee to review and approve the programming on C Street.
133. Both ANC Commissioners, Frishberg and Pate, presented information on the "bait and switch" argument made by some in opposition. The presentation included a slide showing the proposed Project in comparison to the "Best and Final Offer" submission to the DC Mayor. The ANC testified that they do not find the proposed Project to be

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inconsistent, in terms of height, mass, and density with what was initially proposed by the Applicant.

134. The Commissioners also discussed how controversial to the community the corner of 8<sup>th</sup> and D Streets has been and how the ANC has tried to find something, that may not be popular, but which at least balances out the various interests.

135. As for the water feature, the ANC testified that they liked and asked for the water feature.

(June 21 Tr., pp. 95-125.)

### **Contested Issues**

136. Project Design, Scale (including Height), and Density. In their testimony to the Commission, several persons and parties in opposition expressed objections to the project design, scale, and density. The Commission finds that the PUD incorporates exemplary, world class architecture that is sensitive to and compatible with nearby buildings on Capitol Hill and will add to the character and attractiveness of the neighborhood. Furthermore, the Commission has no reason to disagree with the several decisions of HPRB, which were made after numerous public hearings and significant design modifications made by the Applicant's architect and landscape architect, that the Project is compatible with the Capitol Hill Historic District. Based on the architectural drawings and studies submitted by the Applicant, elements of the project design will impact the light, air, and views of the adjacent properties in a manner that is acceptable given the quality of the public benefits of the Project. Further, the Commission finds that the visual and other potential impacts from the scale and density of the Project have been mitigated and are not unreasonable given the Property's designation on the Land Use Map (which is Mixed-Use Moderate-Density Residential/Moderate-Density Commercial) and the character of the surrounding area, including the Eastern Market Metro Station (which is located directly across Pennsylvania Avenue from the Site), Eastern Market (which is located to the northwest of the Site), and the commercial area of shops and restaurants (which is located on 7<sup>th</sup> Street, north of Pennsylvania Avenue and south of the Eastern Market, immediately across from the Site) as discussed in the testimony of the Applicant's architect and OP's report and testimony.

137. Further, the Applicant has mitigated potential visual impacts of the Project's design and scale by incorporating numerous setbacks and step-downs in all elevations, significantly stepping down the mass and height of the South Building along 8<sup>th</sup> Street, placing penthouses out-of-view behind occupiable (and highly designed) spaces, varying materials and colors of all façades, and taking other significant actions described elsewhere in this Order.

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138. As noted, the revised density computation provided by the Applicant reflects that the actual density for the project is 3.9 FAR. For the reasons stated above, the Commission concluded that the density remains reasonable overall.
139. Parking, Traffic, and Loading. In their testimony to the Commission, several persons and parties in support and opposition expressed opinion with regard to the amount of parking proposed for the Project, the impact of traffic and trip generation, and the location and types of loading. HSNN's traffic expert, Joe Mehra, expressed concern with the trip rate in the Applicant's traffic impact submission (that it is too low), the level of service at the intersection of 8<sup>th</sup> and C Streets, what was cited to for background development and regional growth, and the roadway capacity/operations. The Applicant submitted a post-hearing submission adequately addressing these issues.
140. DDOT entered into a "Post Completion Traffic Monitoring Agreement" with the Applicant on August 7, 2012, which sets forth the details by which the Applicant will monitor and mitigate unanticipated impacts to the District's transportation network. For the reasons stated earlier, the Commission believes that it would be injurious to the project's success to halt leasing at 50% in order to determine the project's impact on traffic. The Commission concurs with DDOT that it suffices for the annual monitoring reports to begin at 70% occupancy.
141. In addition, the ANC negotiated a loading plan with the Applicant, as evidenced by the executed MOA, which is not made a part of this order and which cannot be amended without the Commission's approval.
142. Based on testimony and reports from the Applicant's traffic expert and from DDOT, the Commission finds that the proposed parking, amount of expected traffic generated and traffic circulation is acceptable given the proposed redevelopment of the Property, the level of public benefits achieved through the PUD, the Post Completion Monitoring Agreement and the Applicant's continued coordination with DDOT regarding the loading.
143. Comprehensive Plan. In his testimony and written report, George Oberlander of HSNN, challenged the PUD's consistency with the Comprehensive Plan, including those in the Capitol Hill Area Element of the Plan. The Commission finds that when considered as a whole, the PUD is not inconsistent with the Comprehensive Plan. According to the OP report, the Comprehensive Plan provides considerable policy guidance applicable to the Project. OP found the Project is not inconsistent with many of the policies within various elements of the Comprehensive Plan including the Land Use Element, Transportation Element, Housing Element, Environmental Protection Element, Economic Development Element, Urban Design Element, Community Services and Facilities Element and the Capitol Hill Area Element. Specifically with regard to the policies cited by Mr. Oberlander in the Capitol Hill Area Element as being violated by the Project (Policy CH-

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- 1.1.1 Conserving Residential Uses and Policy CH-2.2.7 Hine Junior High School), OP found “the scale of development proposed is consistent with the moderate density commercial and moderate density residential land use pattern of the area. The architectural façade of the development is compatible with the adjacent neighborhood as it highlights and emulates many of the historic, architectural elements of the historic buildings in the Capitol Hill historic district.” (Office of Planning Report, Ex. 134.)
144. Comparison of RFP/BAFO Submission (August 2009) to Current Project. In their testimony and letters to the Commission, several persons and parties in opposition expressed objections and concerns with the Applicant having used a “bait and switch” tactic with regard to how the Plans have changed since the Best and Final Offer Submission in 2009. The Applicant has refuted this through rebuttal testimony, PowerPoint presentations and submissions detailing the comparison of the RFP/BAFO and the current designed Project.
145. Whether the plans approved for the PUD are inconsistent with the terms of the LDDA is irrelevant to the Commission’s consideration. The project must be developed in accordance with the plans approved by the Commission and the conditions of approval. Whether these plans are inconsistent with any other agreements is for the parties to those agreements to determine and, if necessary resolve.
146. North Building Affordable Housing – LIHTC Compliance and Building Amenities. Testimony and submission by various persons and parties raised concerns regarding the North Building entirely consisting of affordable housing units and the types of amenities offered to these residences:
- a. The Applicant submitted the Zoning Administrator letter confirming the Project is exempt from the IZ Requirements as a result of the LIHTC financing of the North Building and that this financing will be administered by DHCD. (Ex. 115, Tab E.) The Applicant’s partner, Buwa Binitie of Dantes Partners, who specializes in financing of affordable housing deals in the District, testified that the North Building consisted solely of affordable units due to its LIHTC financing. Mr. Binitie further testified of the unwillingness of LIHTC purchasers to purchase LIHTCS from a building with a mix of affordable and market rate units. The Applicant later submitted into the record correspondence between Dantes Partners and two major LIHTC purchasers indicating that a mixed income development is not of interest to them;
  - b. Mr. Binitie testified that the Applicant has programmed the North Building as a separately financed residential property with its own superior architecture and amenities package that may be separately owned and managed in addition to the mixed income residential South Building which is conventionally financed and

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may also be separately owned and managed. Mr. Binitie noted that this Project far exceeds what is typically provided for in LIHTC properties; and

- c. In addition, the Applicant further refined the amenities, noted the ADA accessibility and quality of materials used and explained the evolution of the North Building's design (as a result of both HPRB and current zoning process). (Ex. 455, Tab A.)
147. The Commission notes the importance of the Project providing 46 of the 158 residential units as affordable units. As a result, 29% of the total number of residential units will be provided as affordable units. In the North Building, five units will be reserved for households earning less than 30% of the area median income ("AMI") with the remaining 29 units reserved for households earning less than 60% of the AMI. Half of the units in the North Building will be reserved for senior citizens. In the South Building, 12 units will be reserved for households earning less than 80% of the AMI. The Applicant plans to make a special effort to market these workforce units to DC school teachers, librarians, police, and fire fighters.
148. The Applicant has taken into consideration comments made by the Commission at the hearing and has incorporated them into a revised design.
149. The Commission is satisfied with the Applicant's recent post hearing submission that the North Building will have noteworthy amenities, will be ADA accessible and that the architect has successfully worked within the limited confines of a narrow building to offer high-quality architecture and materials, superior to those typically seen in affordable housing projects.
150. Shadows. Testimony and submissions of nearby residents, EOH and HSNM raised concerns about shadows projected by the Project. The Commission requested the Applicant provide additional shadow studies to include times later in the day. The Applicant submitted these additional studies and presented a PowerPoint at the July 21, 2012 hearing describing the results showing both what shadows currently exist versus the shadows cast as a result of the Project. (Ex. 355, Tab A.) The Commission acknowledges that some additional shadows will result from the Project and that it finds these to be acceptable given the proposed redevelopment of the Property and the level of amenities and benefits achieved through the PUD.
151. Flea Market. DMM, through its testimony and submissions raised questions as to the adequacy of the flea market space within the Project. Most recently DMM, through a post hearing submission, withdrew its opposition to the Project and submitted a copy of an executed Letter of Intent with the Applicant, dated August 22, 2012. (Ex. 457.) The Commission finds the layout of the Flea Market to be acceptable for purposes of the PUD Application.

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152. Construction Management Agreement. EOH and HSNN expressed objection at not being a party to the executed Construction Management Agreement. These objections were stated before the Applicant agreed to make its adherence to the Agreement a condition of approval. The Agreement has incorporated into with this order thereby eliminating any purported disadvantage to EOH and HSNN. The fact that they are parties to this applicant allowed them to comment on the incorporated Agreement and will afford them the right to be heard should any amendment be proposed.
153. D Street retail use. In their testimony and letters to the Commission, several persons and parties in opposition expressed objections and concerns with the type of use at the corner of D and 8<sup>th</sup> Streets. The ANC testified that the concerns over the future use of this location were taken into account when negotiating the, now executed, MOA with the Applicant. As a result, the Applicant agreed in the MOA to place only low-impact retail, commercial, professional or child-care entrances into the building from D Street.
154. Use of window along 8<sup>th</sup> Street. OP and some witnesses testified that they would like the proposed ground-floor window on 8<sup>th</sup> Street, near the corner of D Street that looks into commercial space, be removed. The Applicant is currently working with the HPO Staff to resolve this issue.
155. Privatization of reopened C Street. In their testimony and letters to the Commission, several persons and parties in opposition expressed objections and concerns with regard to the privatization and reopening of the currently closed section of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets. The new street will be privately constructed, repaired and maintained but will be subject to an easement that ensures public use. The principal concern was that the Applicant would appear to be utilizing less density because it was including the private right-of-way within its density computations. Consistent with its past precedent, the Commission instructed the Applicant to recalculate the Project's density excluding the private right-of-way. The resulting figure of 3.9 FAR is used in this Order and, therefore, this objection to the private street has been addressed. The policy question of whether the District should have permitted a former L'Enfant street to be reopened as a private right-of-way does not implicate any of the standards for granting a PUD. The only issues are whether the private street will have an adverse impact, which it clearly will not, and whether it can be considered to be a public benefit.
156. After considering submission and testimony by the ANC, OP, DDOT, and the Applicant, as well as all persons and parties who testified and submitted information into the record, the Commission finds that the proposed use of C Street will be an asset to the PUD Project. C Street will be available for vehicular and pedestrian traffic and parking, except when it is being used for weekend flea markets or other scheduled uses or events. The new C Street will provide much improved pedestrian and vehicular circulation in and around Eastern Market and will better connect the Capitol Hill community as well as take



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pedestrian and vehicular traffic off the East-West alley to the north of the Site. Vehicular access will be provided via the proposed driveway along C Street. This driveway will provide direct access to a two-level below-grade parking garage which will service the entire Project.

157. Spot Zoning. Bobbi Kregel, Chair of the Capitol Hill Coalition for Sensible Development, testified that the proposed map amendment from R-4 to C-2-B would be spot zoning. As stated by the District of Columbia Court of Appeals:

To constitute illegal spot zoning, the Commission's action (1) must pertain to a single parcel or a limited area ordinarily for the benefit of a particular property owner or specially interested party and (2) must be inconsistent with the city's comprehensive plan ....

*Citizens Ass'n of Georgetown, Inc. v. Dist. of Columbia Zoning Comm'n*, 402 A.2d 36, 39-40 (D.C. 1979). Since the Commission has found that the grant of this application will benefit the community at large and be consistent with the Comprehensive Plan, no spot zoning can be shown.

158. Other issues raised by the parties were resolved by the Commission as part of its deliberations on the case. A summary of those deliberations and an explanation of the decision reach may be found in findings of fact numbered 45 through 66.

### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process, the Commission has the authority to consider this Application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. (11 DCMR § 2405.7.)
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments that will offer a variety of

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- building uses and types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
4. The Application meets the minimum area requirements of 11 DCMR § 2401.1.
  5. The Commission agrees with the testimony of the project architect, transportation expert, and the representatives of the Applicant and believes that this project does in fact provide superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property would provide.
  6. The Commission finds that the density and height of the PUD is appropriately dispersed on the PUD site as it appropriately relates to existing townhomes. The scaling down of the height of the Property is appropriate given its relationship to adjacent buildings and uses.
  7. Approval of the Application will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
  8. Approval of this PUD-related Zoning Map Amendment is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP in this case and finds that the proposed project is consistent with and fosters numerous policies and elements of the Comprehensive Plan. Specifically, the Commission believes that the proposed project furthers the following elements: land use, transportation, environmental protection, urban design, and the area element.
  9. The Commission believes that the proposed PUD-related rezoning of the Property from the R-4 to the C-2-B Zone District to construct a mixed-use development on the Property is appropriate given the Comprehensive Plan designation for the Property, its location, the superior features of the PUD project, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives. The rezoning is consistent with the Property's designation on the Future Land Use Map and the Generalized Policy Map.
  10. The Commission agrees with the conclusions of the Applicant's traffic and parking expert, as well as the conclusions of DDOT, that the Project will not create adverse traffic or parking impacts on the surrounding community.
  11. The Commission concludes the project amenities and public benefits of the Application are a reasonable tradeoff for the zoning flexibility. In evaluation the public benefits proffered pursuant to § 2403.10, the Commission concludes that the Project is acceptable in all proffered categories and superior in many.

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12. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. D.C. Official Code § 1-309.10(d)(3)(A) and (B).
13. In this case, ANC 6B's report stated that it supported the Project subject to the terms of a Memorandum of Agreement. The Commission initially expressed reluctance in recognizing the MOA as a public benefit because of the ability of the Applicant and ANC to amend the agreement. The Applicant later agreed to make its unequivocal adherence to the MOA as a condition of this PUD and to require the Commission's approval for any amendment. The ANC stated its support for this approach, but expressed concern over the potential conflict in a finding of fact that appeared to allow for amendment of the loading plan without Commission approval. That finding of fact has been modified to eliminate any ambiguity on that point. The ANC also indicated that it was "leaning towards" the "Case 1" loading scenario preferred by the Applicant which called for 55-foot trucks to back into the loading area. The Commission accepted that scenario. Having described each issue and concern stated by the affected ANC, in its written reports and having explained why it found the advice persuasive; the Commission has fulfilled its obligation to afford the ANC's views great weight.
14. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission concurs with OP's view that approval of the PUD and zoning map amendment should be granted.
15. Notice of the public hearing was provided in accordance with the Zoning Regulations.
16. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this Application for consolidated review of a planned unit development and related zoning map amendment from the R-4 to the C-2-B Zone District for property located at Lot 801 in Square 901.

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For the purposes of these conditions, the term "Applicant" means the person or entity then holding title to the Property. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the Property, that party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner.

The approval of this PUD is subject to the following conditions:

A. **Project Development**

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant into the record (the "Plans").
2. In accordance with the Plans, the PUD shall be a mixed-use residential, office and retail project of 461,946 square feet of gross floor area. The Project will provide 150-180 residential units comprising 254,077 square feet of residential GFA. Forty-six of the residential units will be affordable units. The Project will also provide 197,051 square feet of GFA of commercial (office, retail, service, child development center or other permitted uses in the C-2-B Zone District) uses or as permitted pursuant to the MOA). 10,818 square feet of above-ground but roofed-over GFA will be dedicated to loading facilities. Based upon the exclusion of the C Street right-of-way from the calculation of density, the Project will have a total of 3.90 FAR and building heights ranging from 47 feet to 94 feet six inches. This maximum height includes the flexibility granted under § 2405.3 for a five percent increase in the height of the Office Building to accommodate the elevator over-run pursuant to the Plans.
3. The Project shall provide up to (but no more than) 330 parking spaces on two levels of parking under the South Building.
4. The Applicant shall make a minimum of one parking space per South Building Residential unit available for purchase or lease, at market rate, to initial South Building residential occupants. Parking spaces will be unbundled and sold separately from residential units. If there are residential parking spaces that are not purchased or leased by residents of the South Building residential occupants, such spaces will be offered first to residents of the North Building under the same terms and conditions to which they were offered to South Building residents, before they are offered for any other use, or to any other user group.
5. The Applicant shall have the option(s) to develop the below-grade retail/service uses in the North Building (as depicted on the Plans) and/or in the South Building (as depicted on the Plans). If below-grade retail/service uses are developed in the South Building, such uses shall not exceed 25,000 square feet and may include a

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health club/gym, grocery store, drug store, or similar retail or service use. In the event the Applicant determines that some or all of such below-grade area in the South and/or North Building is economically infeasible for retail or service uses, such area may be used for storage or other usual and customary uses that are typically provided in below-grade space in a mixed-use building.

6. The Project shall develop and maintain the environmental/green features depicted on the Plans, which will include 1.1 to 1.3 acres of green roofs and a courtyard planted with native or adapted vegetation as depicted on the Plans.
7. The Applicant is granted flexibility from § 2202.1 of the Zoning Regulation to provide five loading berths (each 30 feet), five loading platforms (each 100 feet) and two service/delivery spaces (each 20 feet) in lieu of providing two loading berths (each at 55 feet), three loading berths (each at 30 feet), two platforms (each at 200 square feet), three platforms (each at 100 square feet) and three service/delivery spaces (each at 20 feet deep).
8. The Project shall include an interior loading dock that can accommodate trucks up to 30 feet in length (and potentially, and subject to DDOT and Public Space approvals, 55-foot trucks) to service all the components of the South Building and additional loading areas in both public and private space on 7<sup>th</sup> Street and an East-West alley to service the North and South Buildings and accommodate trucks that are longer than 30 feet. All loading and delivery zones serving the project are shown in a diagram attached to the MOA as Exhibit A. (Ex. 455, Tab F.)
9. The Applicant shall restrict hours on all exterior loading activity. The Applicant shall restrict deliveries by 55-foot trucks to the period between 11:00 p.m. and 7:30 a.m.
10. The Applicant is granted flexibility from § 2516 of the Zoning Regulations to locate two principal buildings on a single subdivided lot that is within 25 feet of a Residential District.
11. The Applicant is granted flexibility from § 2115.4 of the Zoning Regulations to provide parking spaces in the garage for compact cars that are not all required to be placed in groups of at least five contiguous spaces.
12. The Applicant is granted flexibility from § 776 of the Zoning Regulations to provide one court (as depicted on the Plans) that does not meet the minimum width requirements as depicted on the Plans.
13. The Applicant is granted flexibility from the requirements for rooftop structures set forth in § 770.6(b)) of the Zoning Regulations to allow a bathroom in the

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penthouse over the Office Component, for the walls enclosing a rooftop structure to be of unequal height and for the penthouse to be set back from all exterior walls a distance not equal to its height above the roof, all of the foregoing as depicted on the Plans.

14. The Applicant is granted flexibility to make refinements to the garage and below-grade retail configurations of the North and/or South Buildings, including layout, number of parking spaces and/or other elements that are usual and customary for below-grade space in a mixed-use building so long as the Project does not include more than 330 parking spaces.
15. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, elevators, toilet rooms, stairways and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
  - b. To vary the location and/or size of the below-grade retail use (i.e., a health club/gym, grocery store, drug store or similar retail or service use) in the South Building as depicted on the Plans or to eliminate such uses;
  - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials and to make minor refinements to exterior details and dimension, including curtain wall mullions and spandrels, window frames, glass types, belt course, sills, bases, cornices, railing and trim, or other changes to comply with the requirements of the District for Columbia Building Code and the Historic Preservation Office, as necessary, to obtain a final building permit; and
  - d. To vary the final selection of landscaping materials to provide equivalent plant material similar in appearance and cost depending on market availability.

**B. Benefits and Amenities**

1. **Memorandum of Agreement:** The Applicant shall abide by the terms of the Memorandum of Agreement (“MOA”), dated August 13, 2012, between ANC 6B and the Applicant. (Ex. 455F.) Each term of the MOA shall be considered a condition of this Order. No modification of any MOA term shall be effective unless approved by the Commission as a modification to this Order. Any portion

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of the MOA (including its attachments) that permits the Applicant to reduce or eliminate a requirement with the permission of the ANC does not relieve the Applicant of any obligation set forth in this order (until such relief has been approved as a modification hereto).

2. **Construction Management Agreement.** During the construction of the Project, the Applicant shall adhere to the Construction Management Agreement (“CMA”), which is attached as an exhibit to the MOA. Each CMA term is considered a condition of this Order; provided that the term “Adjacent Properties” described in more detail in the Mitigation Fund paragraph in Section 10(D) of the CMA includes the 200 block of 8<sup>th</sup> Street. No modification of any CMA term shall be effective unless approved by the Commission as a modification to this Order.
3. **Reintroduction of 700 Block of C Street:** The Applicant shall develop the currently closed portion of C Street between 7<sup>th</sup> and 8<sup>th</sup> Streets pursuant to the Plans. The new street shall be privately constructed, repaired and maintained but shall be subject to an easement that ensures public access and use. Prior to the issuance of the Certificate of Occupancy for the North Building, the Applicant shall provide evidence of the recordation of the easement to the Zoning Administrator (“ZA”) and Office of Zoning (“OZ”). C Street will be available for vehicular and pedestrian traffic and parking, except when it is being used for weekend flea markets or pre-scheduled uses, community or special events.
4. **Public Space:** The Project shall provide a Public Plaza that is landscaped and developed, as shown on the Plans, subject to the further review and approval of the D.C. Historic Preservation Office. The Plaza will be used for a variety of community, social, recreational and other uses during the week and made available for flea market use on weekends (weather permitting) in the location depicted on Exhibit C of the MOA and the Plans.
5. **Subsidized Parking:** In conjunction with the weekend flea market, the Applicant shall make available no fewer than 50 parking spaces in the garage and no fewer than eight spaces for trucks ranging in length from 12 feet up to 24 feet in the loading dock between 7:00 a.m. and 7:00 p.m. (provided such spaces are utilized by vendors who arrive no later than 10:00 a.m.). These spaces shall be made available in the aggregate to the Market management at no more than 50% of the market rate for an all day (Saturday, Sunday) retail parking space.
6. **Plaza Advisory Group:** The Applicant shall create and participate in an advisory community group related to the use and operation of the Plaza.
7. **Tabletop logistics exercise:** Prior to issuance of the initial building permit for the construction of the North Building, the Applicant shall commission a tabletop

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logistics exercise covering the setup, layout, and take down of the weekend flea market. As described in the MOA, such an exercise shall include weekend market operations during the construction and post-construction periods.

8. **Retail Space:** Subject to Condition No. A.5, the Project shall provide 40,000 to 70,000 square feet of GFA and below-grade retail and service space, as depicted in the Plans subject to the following requirements:
  - a. No entrances to any commercial use shall be permitted on 8<sup>th</sup> Street;
  - b. No below-grade entrances shall be permitted that face D Street;
  - c. Restaurants and outdoor seating for restaurants shall be restricted to areas depicted on the attached Exhibit E of the MOA;
  - d. The Applicant shall prohibit tenants, by terms of their leases, from applying for a nightclub liquor license pursuant to the definition of “nightclub” in the Alcoholic Beverage Control Statute, D.C. Official Code, § 25-101 (33); and
  - e. The Applicant shall lease 20% of the above-grade retail square footage of the Project to as retail tenants with fewer than six locations operating under the same name and ownership and the owner’s principal place of business is within the Washington, D.C. metropolitan area at market rates and an additional 1,000 square feet of space to unique small retailers that are located only at the Project at rents that are equal to or less than 75% of the market rents.
9. **ANC/Community Meeting Space:** The Applicant shall provide rent-free conference room space for use by the ANC for community meetings. If any additional security or cleaning costs are incurred, a fee to cover these costs may be charged.
10. **ANC Office Space:** The Applicant shall provide office space for use by the ANC for no less than 20 years at a rental rate of \$1.00 per year plus 100% of all common area fees and pass-throughs. The ANC will be responsible for paying the pass-through charges for its proportional share of the real estate taxes, building insurance, common utility costs, maintenance and other charges for such space as are commonly passed through to tenants under triple net leases in the District of Columbia. A lease shall be presented to the ANC prior to the issuance of the final certificate of occupancy for the Office Building.



Z.C. ORDER NO. 11-24  
Z.C. CASE NO. 11-24  
PAGE 65

11. **Child Development Center** As more specifically described in the MOA, the Applicant shall provide no fewer than 2,400 square feet of at-grade space in the project for a child development center serving no fewer than 24 0-3 year olds, and may supplement such space with additional below-grade space that can be used for back-of-house operations or for additional older children. Applicant shall use commercially reasonable efforts to procure a suitable child development center tenant. After six months of commercially reasonable marketing efforts marked from the point of substantial building completion of the South Building, if such tenant is not procured, the Applicant may market the identified space for another use. The Applicant shall pay a tenant improvement (“TI”) subsidy of \$65 per square foot for build out and development of necessary infrastructure. In the event that the total square footage of the child development center is greater than 3,400 square feet, the minimum TI contribution from the Applicant shall be \$45 per square foot. In the event the initial operator vacates the space, and a child day care use is still a viable community need with a market demand for such facilities, the Applicant will use commercially reasonable efforts to replace the tenant with another child day care provider. If the Applicant is unable to sign a lease under commercially reasonable terms within six months of the notice that the space is being vacated, Applicant may lease the space for any permissible use. In the event of any conflict between this condition and the associated term contained within the MOA, this condition shall govern.
  
12. **Employment and Training Opportunities.**
  - a. **First Source Agreement:** The Applicant shall abide by a First Source Agreement with the District of Columbia Department of Employment Services (“DOES”) and the Applicant shall continue to work diligently with DOES to finalize the Construction Employment Plan prior to issuance of the building permit and will submit the revised Construction Employment Plan to OZ at such time as it has been approved by DOES;
  
  - b. **Certified Business Enterprise Participation (“CBE”) and Utilization Agreement:** The Applicant shall abide by a CBE Participation and Utilization Agreement with the District of Columbia Department of Small and Local Business Development;
  
  - c. **One City – One Hire Initiative:** The Applicant shall use commercially reasonable efforts to implement the Mayor’s economic development program to enhance employment in the District of Columbia through “One City • One Hire” and shall encourage all contractors participating on the Project to sign up for this initiative;

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Z.C. CASE NO. 11-24  
PAGE 66

- d. Apprenticeship Program: The Applicant and all contractors that are signatories to the DOES Employment Agreement with contracts in excess of \$500,000 that have apprenticeable trades, having agreed to strongly support training District residents, shall abide by all apprenticeship program rules and regulations; and
  - e. Reporting Requirements: The Applicant shall include provisions in its contract with the general contractor on the Project that requires it to adhere to all applicable District of Columbia contracting and employment requirements and report/respond to the Applicant's compliance firm to, at minimum, ensure outreach and hiring of DC residents, recruitment, and training of apprentices in each of the trades working on the job site, and the utilization of a minimum of 35% CBE firms.
13. **Affordable Housing:** The Applicant shall provide 46 of the 150-180 residential units as affordable units as depicted on the Plans. In the North Building, five units will be reserved for households earning less than 30% of the area median income ("AMI") with the remaining 29 units reserved for households earning less than 60% of the AMI. Half of the units in the North Building shall be reserved for senior citizens. In the South Building, 12 units will be reserved for households earning less than 80% of the AMI. The North Building units shall be affordable for a period of 40 years beginning on the date the affordable housing covenant, which is required by the District of Columbia Government to be executed by the Applicant pursuant to the LDDA, is recorded. The South Building units will be affordable for so long as the Project exists.
14. **Senior Housing:** The Applicant shall reserve 17 residential units in the North Building for seniors, 55 years of age or older. These units shall include universal design elements such as grab bars in every bathtub and higher toilet seats. The North Building shall also have a chair rail in the public corridors to provide a stability assist and a seating bench at each elevator landing and in the main lobby. At least two of the units shall be reserved for seniors with incomes at or below 30% of the AMI, and the remaining units will be reserved for seniors with incomes at or below 60% of the AMI.
15. **LEED Design:** The Applicant shall use commercially reasonable efforts to design the Project so that it satisfies LEED Gold with respect to the South Building and LEED Silver regarding the North Building. Nevertheless, the Applicant may (but shall not be required to) obtain LEED Gold or LEED Silver certification from the United States Green Building Council.
16. **Green Roof and Landscaping:** The Project shall have 1.1 to 1.3 acres of green roofs and courtyard planted with native or adapted vegetation.

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PAGE 67

17. **Bike Parking:** The Applicant shall provide a total of 176 bicycle spaces: 120 in the South Building's garage, 20 in the North Building and 36 outside (at grade). As more specifically described in the MOA, the Applicant shall use "Eastern Market Bike Racks" for at-grade bicycle spaces, subject to Public Space approval and pursuant to the terms of the MOA.
18. **Dedicated Car Sharing Spaces:** The Applicant shall make available, to a licensed car sharing service, two parking spaces for use by the public. The Applicant shall provide evidence to the ZA and OZ that these spaces are available for use by a car sharing company prior to the issuance of a Certificate of Occupancy for the residential component of the South Building.
19. **Dedicated Electric Car Charging Spaces:** Prior to the issuance of a Certificate of Occupancy for the residential component of the South Building, the Applicant shall provide proof of installation of three electric car charging stations to the ZA and OZ.
20. **RPP and VPP:** The Applicant shall support any ANC effort to restrict residential zone parking permits and visitor parking permits.
21. **Initial Welcome Package to First Time Move-Ins:** As part of its Transportation Demand Management Plan, the Applicant shall provide the following to the initial occupants of each residential unit upon closing of a sale or signing of a lease:
  - a. A document outlining website links such as CommuterConnections.com and goDCgo.com;
  - b. WMATA Metrorail/Metrobus and DC bicycle maps;
  - c. A \$50 WMATA smart trip card for first time move-ins;
  - d. A one year bikeshare membership for first time residential move-ins; and
  - e. A one year car-sharing membership for first time move-ins.
22. **Shower/Changing Facility:** The Project shall include shower facilities and changing rooms for office and/or retail employees and building staff who commute to work by bicycle.
23. **Pedestrian Safety:** Subject to the approval of DDOT, the Applicant shall provide enhanced pedestrian safety during the hours of operation of the weekend flea markets which will consist, at a minimum, of a temporary barrier installed on both sides of the entrance to the parking garage to keep all pedestrian traffic away from

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PAGE 68

the garage entrance during market times, and when there are special events in the street or in the plaza, as needed.

24. **Post Completion Traffic Impact Monitoring Agreement:** The Applicant shall abide by the terms of the Post Completion Traffic Impact Monitoring Agreement, dated August 7, 2012, between DDOT and the Applicant. (Ex. 455D.) This agreement requires the Applicant to monitor and analyze traffic data when the Project is 70% leased up, and to immediately address traffic impacts that exceed projections with TDM actions, and to continue monitoring and implementing additional TDM actions, as necessary, for three years after any failure to meet projections within 10%.
25. **Loading and Delivery Management Plan:** The Applicant shall abide by the Loading and Delivery Management Plan (“Loading and Delivery Plan”) which is an exhibit to the MOA. Each term of such plan is considered a condition of this order. No modification of any term of such plan shall be effective unless approved by the Commission as a modification to this order.
26. **Financial Contributions:**
  - a. Eastern Market Metro Plaza: The Applicant shall donate \$50,000.00 to Celebrate Capitol Hill Inc., a 501(c)(3) nonprofit organization, to support high-quality public space landscaping of the District controlled portions of the Eastern Market Metro Plaza, in the direct sight lines of the Project, subject to the approval of any governmental agencies with jurisdiction over such public space. In the event this proffer conflicts with the MOA, this proffer shall govern. The donation shall be made prior to the issuance of the Certificate of Occupancy for the Office Component in the South Building; and
  - b. Playground: The Applicant shall donate \$75,000.00 to the District of Columbia Department of Parks and Recreation for a playground at the park located immediately east of the Project and North of Pennsylvania Avenue, subject to the approval of any governmental agencies with jurisdiction over such public space. In the event this proffer conflicts with the MOA, this proffer shall govern. The donation shall be made prior to the issuance of the Certificate of Occupancy for the Office Component in the South Building.

C. **Miscellaneous**

1. No building permit shall be issued for the approved PUD until the Applicant has recorded a covenant in the land records of the District of Columbia that is

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PAGE 69

satisfactory to the Office of the Attorney General and Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the owner and all successors in title to construct improvements upon and use this property only in accordance with this Order or amendment thereof by the Commission.

2. The change in zoning from the R-4 Zone District to the C-2-B Zone District for the subject property shall be effective upon the recordation of the covenant discussed above, pursuant to 11 DCMR § 3028.9.
3. This PUD shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in § 2409.1 of the Zoning Regulations. Construction shall begin within three (3) years of the effective date of this Order.
4. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On September 10, 2012, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to approve; third Mayoral appointee position vacant, not voting).

On November 19, 2012, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Cohen, this Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participating, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register* on March 8, 2013.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 13-04  
(ICG 16<sup>th</sup> Street Associates, LLC – Consolidated PUD and Related Map  
Amendment @ Square 185, Lot 41)  
February 26, 2013**

**THIS CASE IS OF INTEREST TO ANC 2B**

On February 25, 2013, the Office of Zoning received an application from ICG 16<sup>th</sup> Street Associates, LLC (the “Applicant”) for approval of a consolidated planned unit development and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 41 in Square 185 in Northwest Washington, D.C. (Ward 2), which is located at 900 16<sup>th</sup> Street, N.W and is the current site of the Third Church of Christ, Scientist. The property is currently zoned SP-2. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-3-C.

The Applicant proposes to demolish the existing church building to construct a mixed-use project that will contain approximately 140,863 square feet of office and retail uses, as well as incorporate a new church.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 13-05**  
**(Forest City Washington – 1<sup>st</sup>-Stage PUD, 2<sup>nd</sup>-Stage PUD, and Related Map**  
**Amendments @ Squares 744S and 744SS)**  
**March 4, 2013**

**THIS CASE IS OF INTEREST TO ANC 6D**

On February 27, 2013, the Office of Zoning received an application from Forest City Washington (the “Applicant”) for approval of a first-stage planned unit development (“PUD”), a second-stage PUD, and related map amendments for the above-referenced property.

The property that is the subject of this application consists of part of Lot 805 in Square 744S and part of Lot 801 in Square 744SS in Southeast Washington, D.C. (Ward 6), which is bounded by N Place, S.E. (north), First Street, S.E. (west), Diamond Teague Park (south), and DC Water’s Main and O Street pumping stations (east). The property is currently zoned CG/W-2. The Applicant proposes PUD-related map amendments to rezone the property, for the purposes of this project, to CG/CR and CG-W1.

The property is currently improved with multiple low-scale buildings used for a variety of light industrial uses. In the first-stage PUD, the Applicant proposes to demolish several buildings and retain part of one (the Fleet Maintenance Shop) in order to redevelop the property into four new city blocks that will contain a new movie theater, two residential buildings with approximately 600 residential units, and 137,000-147,000 square feet of retail, arts, and entertainment space – with an approximate total density of 5.81 floor area ratio. The second-stage PUD seeks approval for the 2,500-seat movie theater, which will be located at the northeastern corner of the property and will also include approximately 2,000 square feet of ground-floor retail space and 337 parking spaces.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Forms**

**A**



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name 7-Eleven, Inc. (b) Daytime Phone Number 972-828-7804  
(c) Permanent Address One Arts Plaza, 1722 Routh Street, Dallas, Texas 75202  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Ellen Valentine Benitez (b) Name \_\_\_\_\_  
Address 30 Pinkney Street Address \_\_\_\_\_  
(Street Address) (Street Address)  
Annapolis, MD 21401 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 410-693-2226 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name n/a (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Retail Corporation

4. Terms of Compensation: (a) \_\_\_\_\_ (Salary) (b) \_\_\_\_\_ (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters relating to the sale of retail products and franchise issues.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Diana O'Donnell  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2nd day of January, 2013.  
[Signature]  
Notary Public

My Commission Expires: 9/9/2010

Rev. 12/2012

REGA FORM 25

Danielle A. Purpura  
Notary Public  
My Commission Expires September 9, 2016  
Commonwealth of Massachusetts

rec'd by: S. Peterson (BEG A)  
1/7/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name ABC of Metro Washington (b) Daytime Phone Number (202) 349-3821

(c) Permanent Address 1725 Eye Street, NW Suite 300 Washington, D.C. 20006

(d) Temporary Address (while lobbying)

(e) E-Mail Address ejones@abcmetrowashington.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Eric J. Jones
Address 1725 Eye Street, NW Suite 300
Washington, D.C. 20006

(b) Name Robert "Bob" Zinsmeister
Address 4061 Powder Mill Road, Suite 120
Calverton, MD 20705

Daytime Phone Number (202) 349 - 3821 Daytime Phone Number (301) 595 - 9711

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) Indefinite (Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Any legislation realted ot Construction, Building Codes, Hiring Preferences, Project Labor Agreements, Employer Benefits and other Business issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

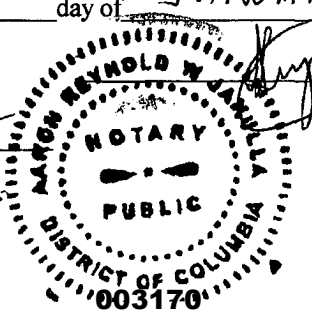
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant

Subscribed and sworn to before me on this 10th day of JANUARY, 2013.

My Commission Expires: MARCH 31, 2015 Notary Public

Rev. 12/2012 Aaron Reynold W Jakulla District of Columbia, Notary Public My Commission Expires March 31, 2015



Aaron Reynold W Jakulla District of Columbia, Notary Public My Commission Expires March 31, 2015 BEGA FORM 25

'13 FEB 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

[X] ORIGINAL
[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

(a) Registrant's Name Aetna Insurance Company (b) Daytime Phone Number 301-873-2150/410-4019553

(c) Permanent Address 4401 Gregg Rd., Brookeville, MD 20833
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address winnj@aetna.com

Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy
Address 4410 Massachusetts Ave., NW, #150
Washington, DC 20016
(Street Address) (City, State, Zip Code)

Daytime Phone Number 202-625-1787
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(Street Address) (City, State, Zip Code)
(d) Nature of Business

Terms of Compensation: (a) \$4,000 monthly retainer (b) 1/1/13-12/31/13
(Salary) (Duration of Employment)
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Health insurance, health maintenance organization and health care issues.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of Jan., 2013.

SHAHIN MOLKARA
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND

Notary Public signature and name

My Commission Expires:

MY COMMISSION EXPIRES 08/10/2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed [x] \$250.00 [ ] \$50.00

1. (a) Registrant's Name AFLAC (b) Daytime Phone Number 706-596-3855

(c) Permanent Address 1932 Wynnton Rd Columbus GA, 31999

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address dkbrown@aflac.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Robert M. Willis (b) Name
Address 1200 G Street, Suite 800 Washington, DC 20005

Daytime Phone Number 202-434-8763
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name n/a (b) Daytime Phone Number
(c) Address na/ (Street Address) (City, State, Zip Code)
(d) Nature of Business n/a

4. Terms of Compensation: (a) \$1500/month (b) Annual Contract
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Insurance - legislative and regulatory matters

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (handwritten signature)

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013.

Notary Public (handwritten name)

My Commission Expires: My Commission Expires March 20, 2015

'13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Albers & Company (b) Daytime Phone Number 703-358-9100

(c) Permanent Address 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address grohling@alberscom.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Martin Guy Rohling (b) Name
Address Albers & Company, 1655 North Fort Myer Drive Suite 700, Arlington, VA 22209

Daytime Phone Number 703-358-9100 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Fresenius Medical Care (b) Daytime Phone Number 574-273-6787
(c) Address 250 E. Day Road, Suite 300 Mishawaka, IN 46545

(d) Nature of Business Dialysis Provider

4. Terms of Compensation: (a) varies (Salary) (b) 2013 (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues relating to dialysis and chronic kidney disease.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Martin G. Rohling

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. Martin Guy Rohling

Subscribed and sworn to before me on this 15th day of January 2013

Notary Public

My Commission Expires: My Comm. Exps. 12/31/2013

13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Albers & Company (b) Daytime Phone Number 703-358-9100

(c) Permanent Address 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209

(d) Temporary Address (while lobbying)

(e) E-Mail Address grohling@alberscom.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Martin Guy Rohling (b) Name
Address Albers & Company, 1655 North Fort Myer Drive Suite 700, Arlington, VA 22209

Daytime Phone Number 703-358-9100
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Kool Smiles (b) Daytime Phone Number 770-916-5021
(c) Address 1090 Northchase Parkway SE, Suite 150 Marietta, GA 33067
(d) Nature of Business General Dentistry for Children and Parents

4. Terms of Compensation: (a) \$2,000/month (Salary) (b) 2013 (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Issues dealing with dentistry and Medicaid.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Martin G. Rohling

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. Martin Guy Rohling

Subscribed and sworn to before me on this 15th day of January 2013

Alfred Brown Notary Public

My Commission Expires My Comm. Exps. 12/31/2013

'13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Albers & Company (b) Daytime Phone Number 703-358-9100
(c) Permanent Address 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209
(d) Temporary Address (while lobbying)
(e) E-Mail Address grohling@albers.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Martin Guy Rohling (b) Name
Address Albers & Company, 1655 North Fort Myer Drive Suite 700, Arlington, VA 22209
(Street Address) (City, State, Zip Code)

Daytime Phone Number 703-358-9100 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Lilly USA, LLC (b) Daytime Phone Number 202-434-1034
(c) Address 555 12th Street, NW - Suite 650 Washington, DC 20004
(Street Address) (City, State, Zip Code)
(d) Nature of Business Pharmaceuticals

4. Terms of Compensation: (a) \$25,000/year (b) 2013
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Pharmaceutical issues and Medicaid.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Martin G. Rohling

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. Martin Guy Rohling

Subscribed and sworn to before me on this 15th day of January 2013
Notary Public

My Commission Expires: My Comm. Exps. 12/11, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See next page for instructions)

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Altria Client Services and its Affiliates (b) Daytime Phone Number (202) 354-1500

(c) Permanent Address 101 Constitution Avenue N.W., Suite 400W Washington, DC 20001
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address eric.barker@altria.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Eric Barker
Address 101 Constitution Avenue N.W., Suite 400W
Washington, D.C. 20001
(Street Address) (City, State, Zip Code)

(b) Name Frank Boston III
Address 2002 Clipper Park Road
Baltimore, MD 21211
(Street Address) (City, State, Zip Code)

Daytime Phone Number (202)354-1500 Daytime Phone Number (410) 769-8080

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Altria Client Services Inc. and its Affiliates (b) Daytime Phone Number (202) 354-1500
(c) Address 101 Constitution Avenue N.W., Suite 400W Washington, D.C. 20001
(Street Address) (City, State, Zip Code)

(d) Nature of Business Service company and its affiliates -- Philip Morris USA Inc., John Middleton Co. and U.S. Smokeless Tobacco Co. -- involved in the manufacture and sale of tobacco products

4. Terms of Compensation: (a) n/a (b) Full year
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters related to tobacco products

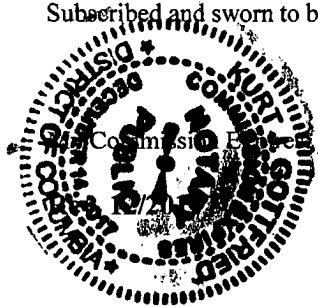
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of February, 2013.



12/17/17



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Beverage Assoc (b) Daytime Phone Number (202)463-6732

(c) Permanent Address 1101 16th Street NW, Washington, DC 20036

(d) Temporary Address (while lobbying)

(e) E-Mail Address pvaughan@ameribev.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name American Management Corp. (b) Name
Address 1455 Pennsylvania Ave, suite 400 Address
Washington, DC 20004

Daytime Phone Number (202) 280-6364 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address

(d) Nature of Business

4. Terms of Compensation: (a) Retainer (Salary) (b) Open (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues related to the non-alcoholic beverage industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Patricia M. Vaughan, Senior Vice President & General Counsel

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of Jan, 2013

DENISE M. BURKE - Notary Public
My Commission Expires January 14, 2015

Denise M. Burke
Notary Public

My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Cancer Society Cancer Action Network (b) Daytime Phone Number 301.758.1255

(c) Permanent Address 555 11th Street, NW, suite 300 Washington DC 20004 (Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address bonita.pennino@cancer.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Bonita M Pennino (b) Name

Address 801 Roeder Rd, Suite 800 Silver Spring, MD 20910 (Street Address) (City, State, Zip Code)

Daytime Phone Number 301.758.1255 Daytime Phone Number If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business not-for profit dedicated to reducing cancer incidents and deaths

4. Terms of Compensation: (a) salaried employee (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

cancer prevention, cancer screening, cancer treatment, tobacco regulation, tobacco tax, tobacco use reduction, health care access, obesity prevention, Medicaid expansion

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

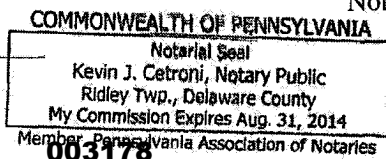
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January 2013

Notary Public

My Commission Expires: 8/31/2014



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Civil Liberties Union of the NCA (b) Daytime Phone Number 202-457-0800

(c) Permanent Address 4301 Connecticut Ave., NW #434, Washington, DC 20008

(d) Temporary Address (while lobbying)

(e) E-Mail Address acdu-nca.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name See attached (b) Name
Address (Street Address) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name General membership dues (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business Public interest law firm

4. Terms of Compensation: (a) See attached (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative and administrative decisions affecting the civil liberties of individuals in the District of Columbia.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

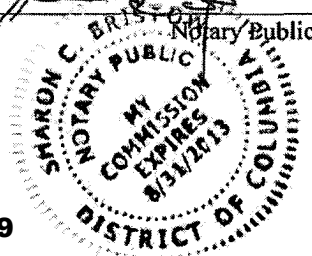
Subscribed and sworn to before me on this 11th day of January, 2013

Notary Public signature and stamp

My Commission Expires: Sharon C. Bristow Notary Public, District of Columbia My Commission Expires 8/31/2013

Rev. 12/2012

rec'd by: s. Peterson (BOGA) 1/11/13 003179



BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name American Coatings Association (b) Daytime Phone Number 202.462.6272  
(c) Permanent Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address TGraves@paint.org

2. Lobbyist(a) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name \_\_\_\_\_  
Address 575 7th Street, N.W. Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20004 (City, State, Zip Code)  
(City, State, Zip Code)

Daytime Phone Number 202.344.4631 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American Coatings Association - Tom Graves (b) Daytime Phone Number 202.462.6272  
(c) Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Non-Profit Trade Association

4. Terms of Compensation: (a) Hourly (b) Ongoing  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Lobbying regarding DC lead hazard legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*Thomas J. Graves*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January 2013

*Martha M. Stovall*  
Notary Public

My Commission Expires: July 31, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name American Council of Life Insurers (b) Daytime Phone Number 202-624-2177

(c) Permanent Address 101 Constitution Ave, NW Suite 700, Washington DC 20001  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Joann Waiters (b) Name \_\_\_\_\_  
Address 101 Constitution Ave, NW, Suite 700 Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington DC 20001 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-624-2177 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Non-applicable (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_ (Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (Salary) (b) \_\_\_\_\_ (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters pertaining to life insurance, annuities, disability income insurance, long-term care insurance, group health insurance

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Joann Waiters

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

District of Columbia subscribed and sworn to before me on this 12<sup>th</sup> day of January, 2013.

JoAnne Mimms-Balden  
Notary Public

My Commission Expires: 9-30-2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name AMERICAN INSURANCE ASSOCIATION (b) Daytime Phone Number 202-828-7100

(c) Permanent Address 2101 L ST. NW #400 WASHINGTON, DC 20037  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) SAME AS ABOVE  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address INFO@WINDC.ORG

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name ERIC M. GOLDBERG (b) Name \_\_\_\_\_

Address 2101 L ST. NW #400 Address \_\_\_\_\_  
(Street Address) (Street Address)  
WASHINGTON, DC 20037 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-828-7172 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AMERICAN INSURANCE ASSOCIATION (b) Daytime Phone Number 202-828-7100

(c) Address 2101 L ST. NW #400 WASHINGTON, DC 20037  
(Street Address) (City, State, Zip Code)

(d) Nature of Business PROPERTY + CASUALTY INSURANCE POLICE ASSOCIATION

4. Terms of Compensation: (a) \$3,000 (b) FULL TIME  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

ALL MATTERS INVOLVING PROPERTY AND CASUALTY INSURANCE

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January 2013.

Christine M. Tampio  
Notary Public

My Commission Expires: March 14, 2016

Rev. 12/2012 rec'd by: S. Peterson (BEGA) 118113

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  \$50.00

1. (a) Registrant's Name AMERICAN INSURANCE ASSOCIATION (b) Daytime Phone Number 202-828-7100

(c) Permanent Address 2101 L ST. NW #400 WASHINGTON, DC 20037  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) SAME AS ABOVE  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address INFO@WINDC.ORG

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name ERIC M. GOLDBERG (b) Name \_\_\_\_\_  
Address 2101 L ST. NW #400 Address \_\_\_\_\_  
(Street Address) (Street Address)  
WASHINGTON, DC 20037 (City, State, Zip Code)

Daytime Phone Number 202-828-7172 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AMERICAN INSURANCE ASSOCIATION (b) Daytime Phone Number 202-828-7100  
(c) Address 2101 L ST. NW #400 WASHINGTON, DC 20037  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business PROPERTY + CASUALTY INSURANCE TRADE ASSOCIATION

4. Terms of Compensation: (a) \$3,000 (b) FULL TIME  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

ALL MATTERS INVOLVING PROPERTY AND CASUALTY INSURANCE

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January 2013.  
Christine M. Tampio  
Notary Public

My Commission Expires: March 14, 2016

Rev. 12/2012 rec'd by: S. Peterson (BEGA) 118113

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Management Corporation (b) Daytime Phone Number 202-280-6364
(c) Permanent Address 1455 Pennsylvania Avenue NW, Suite 400, Washington DC 20004
(d) Temporary Address (while lobbying) n/a
(e) E-Mail Address bgreene@amermgmt.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Brett O. Greene (b) Name
Address 1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004

Daytime Phone Number 202-280-6364
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American Beverage Association (b) Daytime Phone Number 202-463-6732
(c) Address 1101 16th Street NW, 7th Floor, Washington DC 20036
(d) Nature of Business Government Affairs Consulting - Association Affairs

4. Terms of Compensation: (a) Retainer (b) Open
If more space is needed, check box and attach OCF Supplemental Sheet.

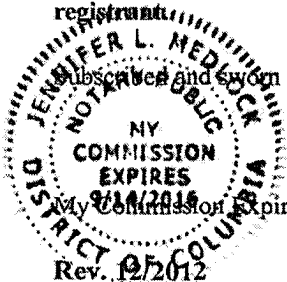
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues related to the non-alcoholic beverage industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 17th day of January, 2013.
Notary Public



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Management Corporation (b) Daytime Phone Number 202-280-6364
(c) Permanent Address 1455 Pennsylvania Avenue NW, Suite 400, Washington DC 20004
(d) Temporary Address (while lobbying) n/a
(e) E-Mail Address bgreene@amemgmt.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Brett O. Greene (b) Name
Address 1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004

Daytime Phone Number 202-280-6364
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Carefirst BlueCross BlueShield (b) Daytime Phone Number 202-680-7444
(c) Address 840 First Street NE, Washington DC 20005
(d) Nature of Business Government Affairs Consulting - Insurance Affairs

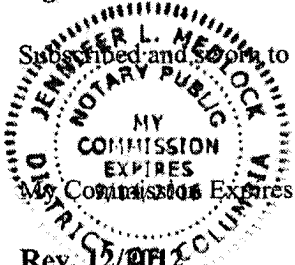
4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed. Insurance Affairs

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013.
Notary Public



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name American Management Corporation (b) Daytime Phone Number 202-280-6364
(c) Permanent Address 1455 Pennsylvania Avenue NW, Suite 400, Washington DC 20004
(d) Temporary Address (while lobbying) n/a
(e) E-Mail Address bgreene@amarmgmt.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Brett O. Greene (b) Name
Address 1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004

Daytime Phone Number 202-280-6364
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Enhanced Capital Partners (b) Daytime Phone Number 504-569-7900
(c) Address 201 St. Charles Avenue, Suite 3700, New Orleans, LA 70170
(d) Nature of Business Government Affairs Consulting - DC Certified Capital Company Program (DC CAPCO)

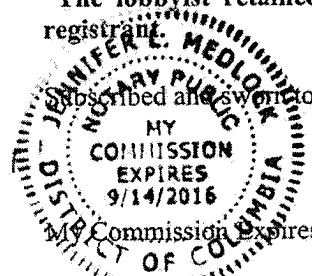
4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

DC Certified Capital Company Program (DC CAPCO)

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 9th day of January, 2013.
Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name American Petroleum Institute (b) Daytime Phone Number 1-202-682-8219

(c) Permanent Address 1220 L Street, NW Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Ellen Valentino-Benitez (b) Name \_\_\_\_\_

Address 30 Pinkney Street Address \_\_\_\_\_  
(Street Address) (Street Address)

Annapolis, MD 21401 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 410-693-2226 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name n/a (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Association representing the petroleum industry

4. Terms of Compensation: (a) \$1500 per month (b) until terminated  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters relating to the sale, advertisement and distribution of petroleum products; energy issues.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013.

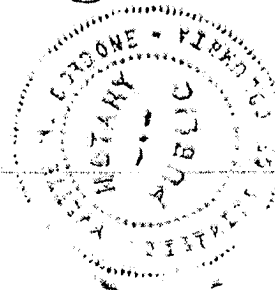
*[Handwritten Signature]*  
Notary Public

My Commission Expires: \_\_\_\_\_  
YVETTE M. CORDONE  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires May 14, 2015

Rev. 12/2012

BEGA FORM 25

Rec'd by: S. Peterson (BEGA)  
on 1/7/13 1/7/13



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Amgen (b) Daytime Phone Number 202-585-9614  
(c) Permanent Address 601 13th St NW, 12th Floor Washington, D.C. 20005  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address kfeegel@amgen.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Deron Johnson (b) Name \_\_\_\_\_  
Address 305 Stable View Court Address \_\_\_\_\_  
(Street Address) (Street Address)  
Parkton, Maryland 21120 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 410-357-5776 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) Salaried Employee (b) Indefinite  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceuticals and health care industries.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Kathy Feegel

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 13<sup>th</sup> day of December, 2012

Notary Public

My Commission Expires: 2/14/2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Anheuser-Busch Companies (b) Daytime Phone Number 202-293-9494  
(c) Permanent Address 1401 I Street NW, Suite 200, Washington, DC 20005  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address KATJA.ZASTROW@ANHEUSER-BUSCH.COM

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David W. Wilmot, Esq. (b) Name \_\_\_\_\_  
Address 1010 Vermont Avenue NW, Suite 810 Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20005 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-783-9100 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) Monthly Retainer (b) \_\_\_\_\_  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All legislative matters of concern to Anheuser-Busch Companies

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*Katja Zastrow*

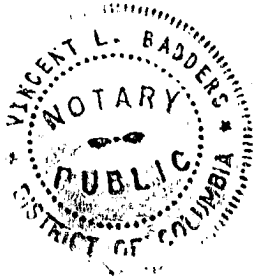
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013  
*Vincent L. Badders*  
Notary Public

My Commission Expires: 02/21/2013

Rev. 12/2012

BEGAFORM25



*Rec'd by: S. Peterson (BEGIA)  
1/7/13*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

Profit / \$250.00

Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM

(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name Apartment & Office Building Association of Metropolitan Washington (b) Daytime Phone Number 202-296-3390

(c) Permanent Address 1050 17th Street, NW, Suite 300, Washington, DC 20036

(d) Temporary Address (while lobbying) N/A

(e) E-Mail Address jclarke@aoba-metro.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Nicola Whiteman (b) Name W. Shaun Pharr

Address 1050 17th Street, NW, Suite 300

Address 1050 17th Street, NW, Suite 300

Washington, DC 20036

Washington, DC 20036

Daytime Phone Number 202-296-3390

Daytime Phone Number 202-296-3390

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name Apartment & Office Building Association of Metropolitan Washington (b) Daytime Phone Number 202-296-3390

(c) Address 1050 17th Street, NW, Suite 300, Washington, DC 20036

(d) Nature of Business Real Estate Trade Association

4. Terms of Compensation: (a) N. Whiteman \$76,333.86 (90%) Indefinite (b) W. Pharr \$14,701.71 (20%)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Housing, Taxes, Rent Control, Condominium legislation & Property Taxation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

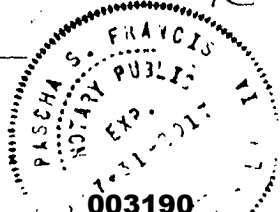
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of February, 2013.

Notary Public signature and stamp

My Commission Expires: 7/31/17

BEGA REC'D 15 FEB '13



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name: Apollo Group - University of Phoenix (b) Daytime Phone Number (202) 580-6669
(c) Permanent Address: 4025 S. Riverpoint Parkway, Mail Stop: CF-KX10, Phoenix, AZ 85040
(d) Temporary Address (while lobbying)
(e) E-Mail Address alden.schacher@apollogrp.edu

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name : James Dyke, Jr. (b) Name
Address: 1750 Tysons Blvd, Suite 1800 Address
McLean, VA 22102
Daytime Phone Number: (703) 712-5449 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Apollo Group - University of Phoenix (b) Daytime Phone Number (202) 580-6669
(c) Address 4025 S. Riverpoint Parkway, Mail Stop: CF-KX10, Phoenix, AZ 85040
(d) Nature of Business Matters related to regulatory oversight of for-profit institutions of higher learning

4. Terms of Compensation: (a) \$575 / Hour (b) Ongoing
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires: 9/4/2016

Notary Public
Silvia W. Wu
Notary Public, District of Columbia
My Commission Expires on September 14, 2016
SILVIA W. WU
NOTARY PUBLIC
COMMISSION EXPIRES 09/14/2016
003f91

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

1. (a) Registrant's Name Arent Fox, LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, N.W. Washington, D.C. 20036-5342
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address Richard.newman@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.
(a) Name Richard Newman, Arent Fox LLP (b) Name
Address 1717 K Street, N.W. Address
Washington, DC 20036-5342
Daytime Phone Number (202) 857-6170 Daytime Phone Number

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.
(a) Name Center for Global Development (b) Daytime Phone Number (202) 416-6000
(c) Address 1800 Massachusetts Avenue, N.W., 3rd Floor Washington, D.C. 20036
(d) Nature of Business Non-profit organization

4. Terms of Compensation: a) Hourly (Salary) (b) On-going (Duration of Employment)

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

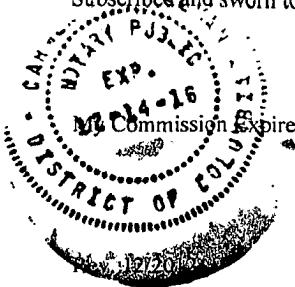
Conduit revenue bonds

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15th day of February, 2013.



Carmen D. Zellman
Notary Public

'13 FEB 4



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, N.W. Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address engle.craig@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Craig Engle, Arent Fox LLP (b) Name Jon Bouker, Arent Fox LLP
Address 1717 K Street, NW Address 1717 K Street, NW
Washington, DC 20036 Washington, DC 20036
Daytime Phone Number (202) 775-5791 Daytime Phone Number (202) 857-6183

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name DC United (b) Daytime Phone Number (202) 278-0297
(c) Address RFK Stadium, 2400 East Capitol Street, SE Washington, DC 20003
(d) Nature of Business Profit organization

4. Terms of Compensation: (a) Hourly (b) Ongoing

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby.

Arent Fox has been engaged to advise DC United with respect to Federal and District government relations matters including budget, tax, revenue, development and tourism.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

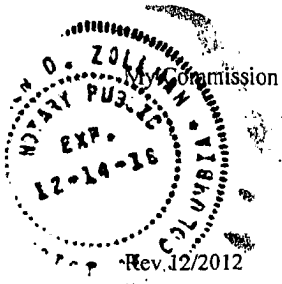
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of January, 2013.

Notary Public signature and name

Commission Expires: 12/14/16



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Non-Profit For-Profit X
Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, NW Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address ellen.mccarthy@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Ellen McCarthy, Arent Fox LLP (b) Name
Address 1717 K Street, NW Washington, DC 20036
Daytime Phone Number (202) 857-6455

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Great Gulf DC (b) Daytime Phone Number (202) 625-4881
(c) Address 1101 30th Street NW, Suite 500 Washington, DC 20007
(d) Nature of Business Real Estate

4. Terms of Compensation: a) Hourly (Salary) (b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Assistance in negotiations with WMATA and Historic Preservation Staff

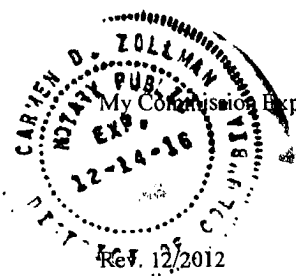
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2nd day of January, 2013.

Signature of Notary Public: Carmen D. Zollman



My Commission Expires: 12/14/16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed \$250.00 \$50.00

AMENDMENT

1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, NW Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address ellen.mccarthy@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.
(a) Name Ellen McCarthy, Arent Fox LLP (b) Name
Address 1717 K Street, NW Address
Washington, DC 20036
Daytime Phone Number (202) 857-6455 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.
(a) Name HELP USA (b) Daytime Phone Number (212) 400-7030
(c) Address 5 Hanover Square, 17th Floor New York, NY 10004
(d) Nature of Business Non-profit
4. Terms of Compensation: a) Hourly (Salary) b) Ongoing (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

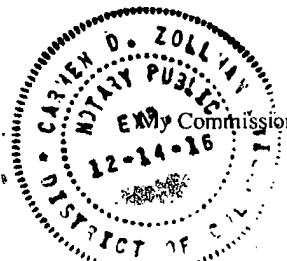
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Assist in planning process of homeless shelter in the District.
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2nd day of January, 2013.

Notary Public signature and title



Notary Commission Expires: 12/14/16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed \$250.00 \$50.00

AMENDMENT

1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, NW Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address newman.richard@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.
(a) Name Eve Corbin, Arent Fox LLP (b) Name Richard Newman, Arent Fox LLP
Address 1717 K Street, N.W. Address 1717 K Street, N.W.
Washington, DC 20036 Washington, DC 20036
Daytime Phone Number (202) 828-3432 Daytime Phone Number (202) 857-6170

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Provident Group - Howard Properties LLC (b) Daytime Phone Number (225) 766-3977
(c) Address 5565 Bankers Avenue Baton Rouge, LA 70808
(d) Nature of Business Non-profit organization

4. Terms of Compensation: a) Hourly (Salary) (b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

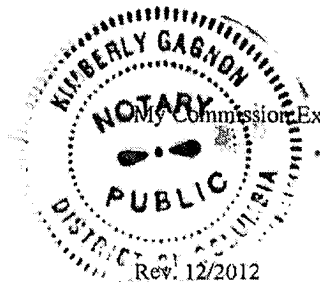
Public Financing

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of January, 2013.



Notary Public signature and title.

'13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed \$250.00 \$50.00

AMENDMENT

- 1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, NW Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address newman.richard@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

- (a) Name Jon Bouker, Arent Fox LLP (b) Name Richard Newman, Arent Fox LLP
Address 1717 K Street, N.W. Address 1717 K Street, N.W.
Washington, DC 20036 Washington, DC 20036
Daytime Phone Number (202) 857-6183 Daytime Phone Number (202) 857-6170

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

- (a) Name Shakespeare Theatre (b) Daytime Phone Number (202) 547-3230
(c) Address 516 8th Street, SE Washington, DC 20003
(d) Nature of Business Non-profit organization

4. Terms of Compensation: a) Hourly (Salary) b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby.

Public Financing.

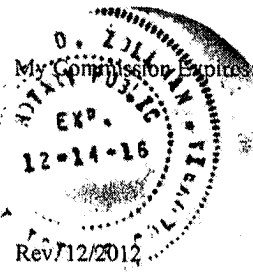
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January, 2013.

Notary Public Carmen D. Zoller



13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed \$250.00 \$50.00

AMENDMENT

1. (a) Registrant's Name Arent Fox LLP (b) Daytime Phone Number (202) 857-6000
(c) Permanent Address 1717 K Street, NW Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address bouker.jon@arentfox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Richard A. Newman, Arent Fox LLP (b) Name Jon Bouker, Arent Fox LLP
Address 1717 K Street, NW Washington, DC 20036
Daytime Phone Number (202) 857-6170

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name Washington Drama Society, Inc., d/b/a Arena Stage (b) Daytime Phone Number (202) 554-9066
(c) Address 1101 6th Street, SW Washington, DC 20024
(d) Nature of Business Non-profit Organization

4. Terms of Compensation: a) Hourly (Salary) b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby.

Public finance.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January, 2013.

Notary Public signature and name.

My Commission Expires: 12/14/16



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] Profit / \$250.00

[X] Non-Profit / \$50.00

[ ] AMENDMENT

1. (a) Registrant's Name Association of American Medical Colleges (b) Daytime Phone Number (202) 828-0404
(c) Permanent Address 2540 N Street, N.W. Washington, DC 20037
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address bjarvis@aamc.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Richard Newman, Arent Fox LLP (b) Name Eve Corbin, Arent Fox LLP
Address 1717 K Street, NW Address 1717 K Street, NW
Washington, DC 20036-5342 Washington, DC 20036-5342
Daytime Phone Number (202) 857-6170 Daytime Phone Number (202) 828-3432

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Conduit revenue bonds

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

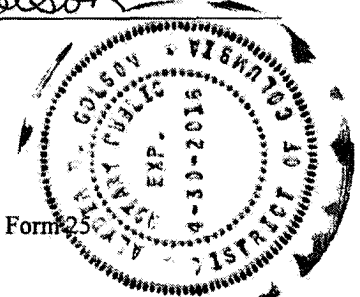
AAMC by: Beccand K Jarvis

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 18th day of January, 2013.

Allydia D. Golson
Notary Public

My Commission Expires: ALYDIA D. GOLSON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires April 30, 2016



02 JAN 24

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name AT&T (b) Daytime Phone Number 202-463-4119

(c) Permanent Address 1133 21st Street, NW, Suite 900, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address dd5391@att.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Denis Dunn

(b) Name David W. Wilmot

Address 1133 21st Street, NW, Suite 900  
(Street Address)

Address 1455 Pennsylvania Avenue, NW., Suite 400  
(Street Address)

Washington, DC 20036  
(City, State, Zip Code)

Washington, D.C. 20004  
(City, State, Zip Code)

Daytime Phone Number 202-463-4119

Daytime Phone Number 202-250-4958

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AT&T

(b) Daytime Phone Number (202)-463-4119

(c) Address 1133 21st Street, NW, Suite 900, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Telecommunications Services

4. Terms of Compensation: (a) Monthly Retainer  
(Salary)

(b) Indefinite  
(Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

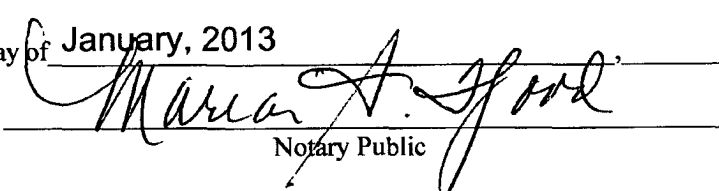
All Legislative, policy and regulatory matters pertaining to and of interest to the Telecommunication Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

  
Notary Public

My Commission Expires: 10/3/2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Avania Group, LLC (b) Daytime Phone Number 301-580-9666

(c) Permanent Address 14243 Angelton Terr., Ste. A, Burtonsville, MD 20866  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address avaniagroup@yahoo.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name A. Leigh Williams (b) Name \_\_\_\_\_

Address 14243 Angelton Terr., Ste. A Address \_\_\_\_\_  
(Street Address) (Street Address)

Burtonsville, MD 20866 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 301-580-9666 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name UFCW Local 400 (b) Daytime Phone Number \_\_\_\_\_

(c) Address 4301 Garden City Dr., Suite 400, Landover, MD 20785  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Union

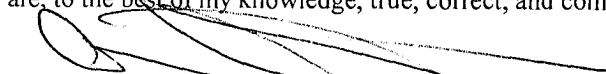
4. Terms of Compensation: (a) Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the retail industry

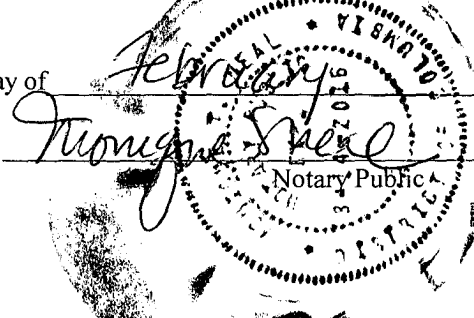
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.



Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 26<sup>th</sup> day of February, 2013.



My Commission Expires Aug. 14, 2016

BEGA REC'D 4MAR'13

**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Forms**

**B**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit [X]

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [ ] \$250.00 [ ] \$50.00

1. (a) Registrant's Name Bank of America Corporation (b) Daytime Phone Number 302.432.0956
(c) Permanent Address 1100 North King Street, DE5-001-02-07, Wilmington, DE 19884
(d) Temporary Address (while lobbying) 1100 North King Street, DE5-001-02-07, Wilmington, DE 19884
(e) E-Mail Address wendy.jamison@bankofamerica.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kelly Whitley (b) Name
Address 1455 Pennsylvania Ave., NW, Suite 950 Address
Washington, DC 20004 (City, State, Zip Code)

Daytime Phone Number 703.431.1173 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A (City, State, Zip Code)
(d) Nature of Business N/A

4. Terms of Compensation: (a) Pro-Rated (Salary) (b) 1/1/2013 - 12/31/2013 (Duration of Employment)
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

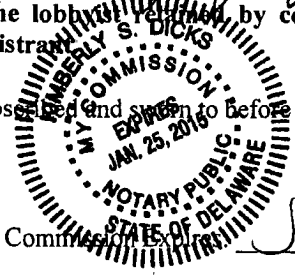
Matters related to banking and financial services.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
Wendy J. Jamison

\*The lobbyist/registrant, by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January, 2013.



Signature of Notary Public: Amberly S. Dicks
Notary Public

My Commission Expires Jan. 25, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Bayer HealthCare LLC (b) Daytime Phone Number 973-305-5037  
(c) Permanent Address 555 White Plains Road Tarrytown, NY 10591  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address raymond.frost@bayer.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Joseph Cleary (b) Name \_\_\_\_\_  
Address 61 Hannah Niles Way Address \_\_\_\_\_  
(Street Address) (Street Address)  
Braintree, MA 02184 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 781-356-0164 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Pharmaceutical Manufacturer

4. Terms of Compensation: (a) Prorated salary based on time spent lobbying. (b) Ongoing until terminated.  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.  
All matters related to pharmaceuticals and health care.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 17 day of December 2012

Mariafeineta Mancari  
Notary Public

My Commission Expires: March 11, 2014  
MARIAFEINITA MANCARI  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01MA6070945  
QUALIFIED IN GRANGE COUNTY  
MY COMMISSION EXPIRES MARCH 11, 2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Bruce C. Bereano (b) Daytime Phone Number 410-267-0410

(c) Permanent Address 191 Duke of Gloucester Street, Annapolis, Maryland 21401

(d) Temporary Address (while lobbying)

(e) E-Mail Address lobbyannapolls@verizon.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Address (Street Address) (City, State, Zip Code) (b) Name Address (Street Address) (City, State, Zip Code)

Daytime Phone Number If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American Academy of Ophthalmology (b) Daytime Phone Number 202-737-6662

(c) Address 20 F Street, NW, Suite 400, Washington, DC 20001

(d) Nature of Business Academy of Ophthalmology

4. Terms of Compensation: (a) 12,000.00 (Salary) (b) 1/1/2013 - 12/31/2013 (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Any and all matters concerning the profession of ophthalmology.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January, 2013.

Notary Public signature and name

My Commission Expires: 12/22/2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Bruce C. Bereano (b) Daytime Phone Number 410-267-0410  
(c) Permanent Address 191 Duke of Gloucester Street, Annapolis, Maryland 21401  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address lobbyannapolis@verizon.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name MedStar Health (b) Daytime Phone Number \_\_\_\_\_  
(c) Address 5565 Sterrett Place, Suite 500, Columbia, Maryland 21044  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) 2,500.00 per month (b) 1/1/2013 - 12/31/2013  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Any and all matters concerning administrative, regulatory or legislative action at the executive or legislative branch regarding hospitals in the District of Columbia.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January, 2013  
Lauren E. Cardin  
Notary Public

My Commission Expires: 12/22/2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Bruce C. Bereano (b) Daytime Phone Number 410-267-0410
(c) Permanent Address 191 Duke of Gloucester Street, Annapolis, Maryland 21401
(d) Temporary Address (while lobbying)
(e) E-Mail Address lobbyannapolis@verizon.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Address (Street Address) (City, State, Zip Code)
(b) Name Address (Street Address) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Safeway, Inc. (b) Daytime Phone Number 301-918-7077
(c) Address 4551 Forbes Boulevard, Lanham, Maryland 20706
(d) Nature of Business Food & drug store

4. Terms of Compensation: (a) 0.00 (Salary) (b) 1/1/2013 - 12/31/2013 (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January, 2013.
Notary Public

My Commission Expires: 12/22/2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Lyle M. Blanchard (b) Daytime Phone Number (202) 452-1400

(c) Permanent Address 1620 L Street, NW #900, Washington, DC 20036

(d) Temporary Address (while lobbying) same as above

(e) E-Mail Address LMB@GDLLAW.COM

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name District Distilling Company, Inc. (b) Daytime Phone Number (202) 546-1111
(c) Address 705 D Street, SE, Washington, DC 20003

(d) Nature of Business Corporation organized to engage in any activity for which an entity may be formed under the Business Corporations Act.

4. Terms of Compensation: (a) hourly salary (b) Council Period 20 (2013-2014)
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Distillery legislation before the D.C. Council and ABRA.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct and complete.

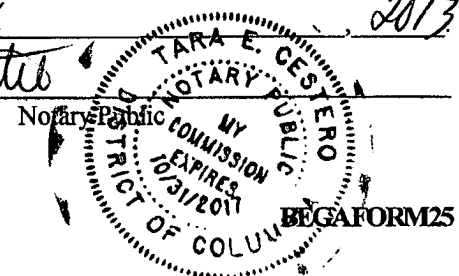
[Handwritten signature of Lyle M. Blanchard]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 6th day of February 2013

Tara E. Cestero



My Commission Expires: 10/31/2017



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit [x]

[x] ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [x] \$250.00 [ ] \$50.00

1. (a) Registrant's Name Boehringer Ingelheim Pharmaceuticals, Inc. (b) Daytime Phone Number 919-556-6491
(c) Permanent Address 9660-138 Falls of Neuse Road, PMB 188 Raleigh, North Carolina 27615
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address matthew.sheffield@stateandfed.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Sara Martin Address 5 Comac Court Reistertown, Maryland 21136
(b) Name Address
Daytime Phone Number 410-252-6487

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) Salaried Employee (Salary) (b) Indefinite (Duration of Employment)
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceuticals and health care industries

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Matthew Sheffield: Matthew C. Sheffield 12/20/2012

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 20 day of Dec, 2012.

Heather S. Dunlow
Notary Public

My Commission Expires: July 17, 2016

HEATHER S. DUNLOW
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires July 17, 2016.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL LOBBYIST REGISTRATION FORM  
 AMENDMENT (See next page for instructions)

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Frank D. Boston, III (b) Daytime Phone Number 410-323-7090  
(c) Permanent Address 2002 Clipper Park Road Suite 108 Baltimore, MD 21211  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) NONE  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address fdb3law@aol.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Andrew Nicklas (b) Name \_\_\_\_\_  
Address 2002 Clipper Park Road, Suite 108 Address \_\_\_\_\_  
(Street Address) (Street Address)  
Baltimore, MD 21211 (City, State, Zip Code)

Daytime Phone Number 410-323-7090 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Altria Client Services Inc. and its Affiliates (b) Daytime Phone Number 202-354-1500  
(c) Address 101 Constitution Ave., Suite 400- W, Washington, DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business "Service company and its affiliates-Philip Morris USA Inc. John Middleton Co., and U.S. Smokeless Tobacco Co. - Involved in the Manufacturer and sale of Tobacco Products".

4. Terms of Compensation: (a) \$25000.00 (b) 1/1/2013 --- 12/31/2013  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.  
Tobacco Products

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 16th day of January 2013.  
[Signature]  
Notary Public

My Commission Expires: 8/24/13

'13 JAN 18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit X

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed [X] \$250.00
[ ] \$50.00

[ ] AMENDMENT

- 1. (a) Registrant's Name BREOF Holdings LLC (fka Brookfield Real Estate Opportunity Fund)
(b) Daytime Phone Number (416) 359-8538
(c) Permanent Address 181 Bay Street Toronto, Ontario M5J2T3 CANADA
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address sforan@brookfield.com
2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
(a) Name Jon Bouker, Arent Fox LLP (b) Name
Address 1717 K Street NW Washington, DC 20036
Daytime Phone Number (202) 857-6183
3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.
(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A
4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby.
District utilization of BREOF properties.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

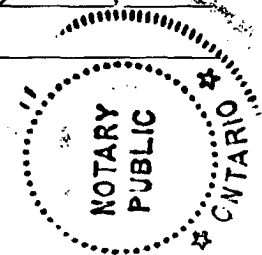
[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013

[Handwritten Signature]
Notary Public

My Commission Expires: N/A



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_

(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address MAX@group360.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name \_\_\_\_\_  
Address N/A Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number N/A Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name CCQ (b) Daytime Phone Number 2023473327  
(c) Address 601 PENN AVE, NW SUITE 210 S, WASH DC 20004  
(Street Address) (City, State, Zip Code)

(d) Nature of Business CORRECTIONAL TREATMENT FACILITY OPERATOR

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

MATTERS AFFECTING THE CORRECTIONAL TREATMENT FACILITY

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

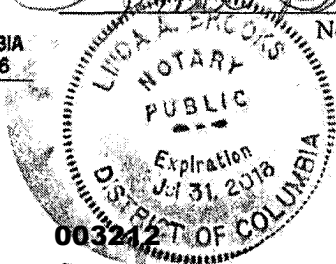
*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013

*[Handwritten Signature]*  
Notary Public

LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_

(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) 718 7th ST NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address MAX@GROUP360.NET

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A  
Address N/A  
(Street Address)  
(City, State, Zip Code)

(b) Name \_\_\_\_\_  
Address \_\_\_\_\_  
(Street Address)  
(City, State, Zip Code)

Daytime Phone Number N/A Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name ESA (b) Daytime Phone Number 202 223 2400

(c) Address 575 7th ST NW, SUITE 300, WDC 20004  
(Street Address) (City, State, Zip Code)

(d) Nature of Business TRADE ASSOC FOR VIDEO GAME INDUSTRY

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

General Legislative AND EXECUTIVE MATTERS AFFECTING INDUSTRY

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

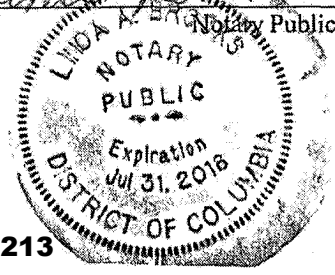
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013.

*[Handwritten Signature]*  
Notary Public

My Commission Expires: NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_  
(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address MAX@GROUP360.NET

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name NA (b) Name \_\_\_\_\_  
Address NA Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number NA Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name MEOSTAR HEALTH (b) Daytime Phone Number 410 772 6688  
(c) Address 5565 STERRETT PLACE, 5TH FL., COLUMBIA, MD  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business HOSPITAL & HEALTH CARE SYSTEM

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

HEALTH CARE MATTERS

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

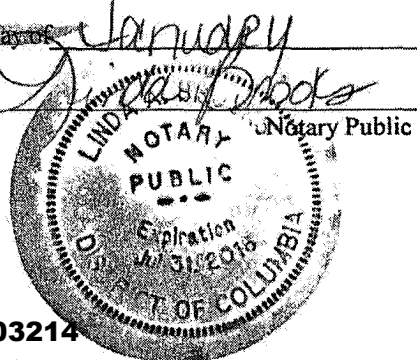
*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013.

LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_  
(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address MAX@GROU360.NET

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name \_\_\_\_\_  
Address N/A Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number N/A Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name PCG (b) Daytime Phone Number 800210 6113  
(c) Address 148 STATE STREET, BOSTON MA 02109  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Medicaid + Health care consulting

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Medicaid + Health care issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

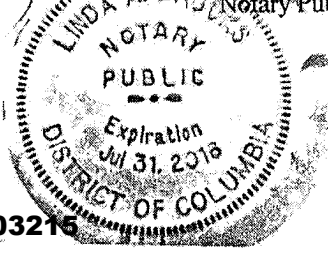
*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013

*[Handwritten Signature]*  
Notary Public

My Commission Expires LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_  
(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address MAX@group360.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name NA (b) Name \_\_\_\_\_  
Address NA Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number NA Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Zepcar (b) Daytime Phone Number 2025525921  
(c) Address 403 8th St NW, WASH DC 20004  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business car sharing

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

MATTERS AFFECTING CAR SHARING IN DC

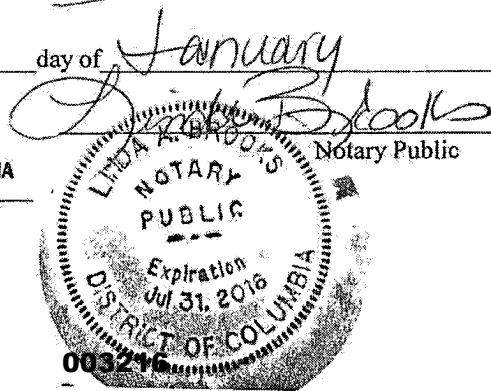
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013

LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_

(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address MAX@GROUP360.NET

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A  
Address N/A  
(Street Address)  
(City, State, Zip Code)

(b) Name \_\_\_\_\_  
Address \_\_\_\_\_  
(Street Address)  
(City, State, Zip Code)

Daytime Phone Number N/A  
 If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number \_\_\_\_\_

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AMPLIFY EDUCATION, INC. Daytime Phone Number 202 509 9516

(c) Address 500 NEW JERSEY AVE, NW 6TH FLR, WDC 20001  
(Street Address) (City, State, Zip Code)

(d) Nature of Business EDUCATION CONSULTING

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

EDUCATION TECHNOLOGY MATTERS

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

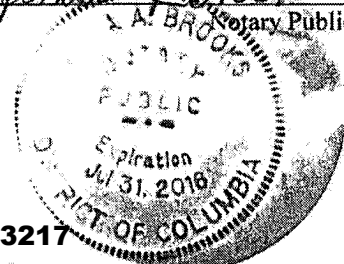
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January 2013.

*[Handwritten Signature: Linda Brooks]*  
Notary Public

My Commission Expires LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MAX BROWN (b) Daytime Phone Number \_\_\_\_\_  
(c) Permanent Address 475 H ST NW, WASH DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) 718 7th St NW Suite 300, WDC 20001  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address MAX@group360.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name \_\_\_\_\_  
Address N/A Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number N/A Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name XEROX STATE AND LOCAL HEALTH (b) Daytime Phone Number 202 776 1005  
Formerly ACS  
(c) Address 1800 M ST NW, WASH DC 20036  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business INFORMATION TECHNOLOGY AND CONSULTING  
4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

INFORMATION TECHNOLOGY AND HEALTH TECHNOLOGY

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

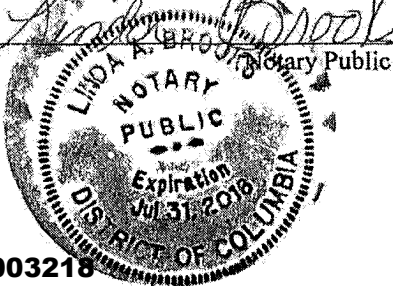
*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013

*[Handwritten Signature]*



My Commission Expires: LINDA BROOKS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
Commission Expires July 31, 2016

**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Forms**

**C**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MaryEva Candon (b) Daytime Phone Number 202-246-5155  
(c) Permanent Address 2122 California St, NW Washington, DC 20008  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) same  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address GANDON@CANDONLAW.COM

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name N/A  
Address / Address /  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)  
Daytime Phone Number N/A Daytime Phone Number N/A

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Altria Client Services, Inc. (b) Daytime Phone Number 202-354-1500  
(c) Address 6601 W. Broad St. Richmond, VA 23230  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Manufacturer of Tobacco Products

4. Terms of Compensation: (a) \$2125 (b) per month  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Anything affecting the sale of Tobacco Products

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 day of January, 2013

[Signature]

Notary Public

My Commission Expires: 4-14-14

E. JEROME BROWN  
Notary Public, District of Columbia  
My Commission Expires April 14, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Capitol Outdoor, Inc. (b) Daytime Phone Number 202.337.1839

(c) Permanent Address 3286 M Street, N.W. Washington, DC 20007  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address john@capitoloutdoor.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP  
Address 575 7th Street, N.W.  
(Street Address)  
Washington, DC 20004  
(City, State, Zip Code)

(b) Name Claude E. Bailey - Venable LLP  
Address 575 7th Street, N.W.  
(Street Address)  
Washington, DC 20004  
(City, State, Zip Code)

Daytime Phone Number 202.344.4631  
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202.344.8057

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Capitol Outdoor, Inc. - John Polis  
(c) Address 3286 M Street, N.W.  
(Street Address)

(b) Daytime Phone Number 202.337.1839  
Washington, DC 20007  
(City, State, Zip Code)

(d) Nature of Business Outside signage company

4. Terms of Compensation: (a) Hourly  
(Salary)

(b) Ongoing  
(Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Lobbying regarding signage in the District of Columbia

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 24th day of January 2013

[Signature]  
Notary Public

My Commission Expires: July 31, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Capitol Petroleum Group (b) Daytime Phone Number 703-750-6810
(c) Permanent Address 6820-B Commercial Drive Springfield, VA 22151

(d) Temporary Address (while lobbying) (e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name John L. Ray
Address 700 12th Street, N.W., Suite 1100
Washington, D.C. 20005

(b) Name Tina Ang
Address 700 12th Street, N.W., Suite 1100
Washington, D.C. 20005

Daytime Phone Number 202-585-6500 202-585-6500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name non-applicable (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) N/A (Salary) (b) N/A (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 28 day of JANUARY, 2013.

My Commission Expires: AUGUST 31, 2015



Notary Public '13 FEB 6

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name CareFirst BlueCross BlueShield (b) Daytime Phone Number 410-605-2591

(c) Permanent Address 1501 S. Clinton Street, 17th Floor, Baltimore, MD 21224  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address maria.tildon@carefirst.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Maria Tildon  
Address 1501 S. Clinton Street  
(Street Address)  
Baltimore, MD 21224  
(City, State, Zip Code)

(b) Name Tonya Vidal Kinlow  
Address 840 First Street, NE  
(Street Address)  
Washington, DC 20065  
(City, State, Zip Code)

Daytime Phone Number 410-605-2591  
 If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202-680-7444

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name non-applicable (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) salaried employee (b) indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

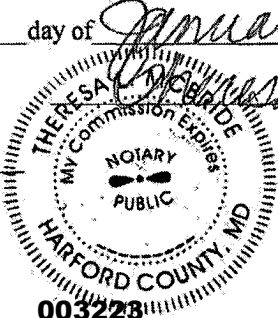
All matters related to health insurance, health care cost containment, health care reform and health insurance regulation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of January, 2013



Theresa L. McBride  
Notary Public

'13 JAN 15

My Commission Expires: 5/12/2016

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500

(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor, Washington DC 20006

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address millem@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Dal Harper

(b) Name David Carmen

Address same as above

Address same as above

(Street Address)

(Street Address)

(City, State, Zip Code)

(City, State, Zip Code)

Daytime Phone Number 202-785-0500

Daytime Phone Number 202-785-0500

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Citelum DC LLC

(b) Daytime Phone Number 202-457-7689

(c) Address 37 rue de Lyon, 75012

Paris, France

(Street Address)

(City, State, Zip Code)

(d) Nature of Business Urban Electrical Systems

4. Terms of Compensation: (a) \$35,000 per month (Salary)

(b) until terminated (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Streight Asset Management Services

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

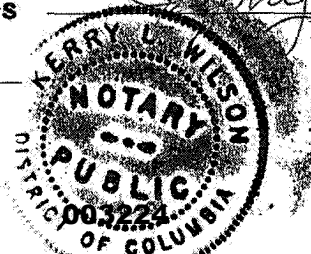
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires May 31, 2014

[Handwritten Signature] Notary Public

My Commission Expires:





GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500
(c) Permanent Address 1899 Pennsylvania Ave, NW, 4th Floor Washington DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address mlterm@carmongroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John Ladd (b) Name David Carmen
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number 202-785-0500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Graduate School (b) Daytime Phone Number 202-314-3305
(c) Address 600 Maryland Ave., SW, Suite 32 Washington DC 20024
(d) Nature of Business Education

4. Terms of Compensation: (a) \$25,000 per month (b) until terminated
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

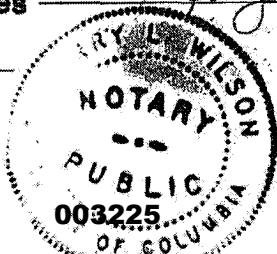
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires May 31, 2014

Notary Public (Signature)

My Commission Expires:



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

Filing Fee Enclosed \$250.00

AMENDMENT

Filing Fee Enclosed \$50.00

1. (a) Registrant's Name Carmen Group Incorporated
(b) Daytime Phone Number 202-785-0500
(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address millerm@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Dal Harper (b) Name David Carmen
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number 202-785-0500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Hoffman-Madison Waterfront LLC (b) Daytime Phone Number 202-686-0010
(c) Address 4725 Wisconsin Ave., NW, Suite 200 Washington DC 20007
(d) Nature of Business Real Estate Management

4. Terms of Compensation: (a) \$30,000 per month (b) until terminated
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Real estate matters within the District of Columbia

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

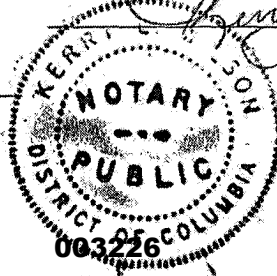
Subscribed and sworn to before me on this 10th day of January, 2013.

[Handwritten Signature of Notary Public]

Notary Public

My Commission Expires May 31, 2014

My Commission Expires:



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500
(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington, DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address mllem@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David Carmen (b) Name Dal Harper
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number 202-785-0500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Monumental Sports & Entertainment (b) Daytime Phone Number 202-292-1980
(c) Address 601 F Street, NW Washington, DC 20004
(d) Nature of Business Real Estate/Entertainment

4. Terms of Compensation: (a) \$17,500 per month (b) until terminated
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

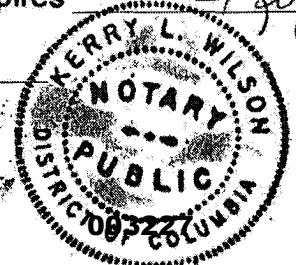
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires May 31, 2014
Notary Public

My Commission Expires:



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500
(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address millerm@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John Ladd (b) Name David Carmen
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number 202-785-0500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Providence Hospital (b) Daytime Phone Number 202-955-3990
(c) Address 1150 Varnum Street, NE Washington DC 20017
(d) Nature of Business Hospital

4. Terms of Compensation: (a) \$25,000 per month (b) until terminated
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Federal and DC Medicaid/Medicare funding and related issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

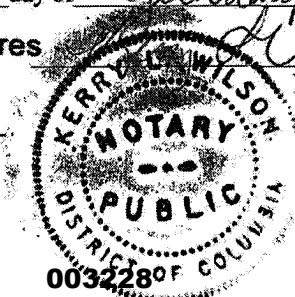
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires May 31, 2014

[Handwritten Signature] Notary Public

My Commission Expires:



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500
(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address millerm@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Dal Harper (b) Name David Carmen
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number 202-785-0500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name TC Midatlantic Development IV, LLC (b) Daytime Phone Number
(c) Address 1055 Thomas Jefferson Street, NW Washington, DC 20007
(d) Nature of Business Real Estate Development

4. Terms of Compensation: (a) \$10,000 per month (b) until terminated
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Real estate matters in the District of Columbia

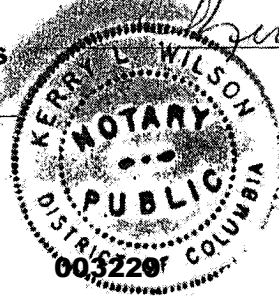
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

My Commission Expires May 31, 2014 Notary Public [Signature]



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202 785 0500
(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington DC 20006
(d) Temporary Address (while lobbying)
(e) E-Mail Address mllem@camengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Dal Harper (b) Name David Carmen
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name United Negro College Fund (b) Daytime Phone Number 202-785-0500
(c) Address 8260 Willow Oaks Drive Fairfax, Virginia 22031
(d) Nature of Business Education

4. Terms of Compensation: (a) Hourly (Salary) (b) until terminated (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Headquarter Relocation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

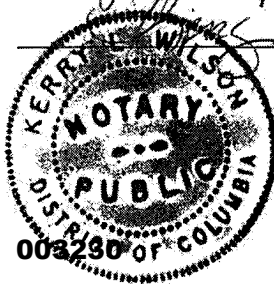
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15th day of January, 2013.

My Commission Expires May 31, 2014

[Handwritten Signature] Notary Public



My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Carmen Group Incorporated (b) Daytime Phone Number 202-785-0500

(c) Permanent Address 1899 Pennsylvania Ave., NW, 4th Floor Washington DC 20006  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address mlterm@carmengroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John Ladd

(b) Name David Carmen

Address same as above  
(Street Address)

Address same as above  
(Street Address)

(City, State, Zip Code)

(City, State, Zip Code)

Daytime Phone Number 202-785-0500

Daytime Phone Number 202-785-0500

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Educational Services of America

(b) Daytime Phone Number 605-339-1708

(c) Address 1321 Murfreesboro Pike, Suite 702 Nashville, CA 37217  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Education

4. Terms of Compensation: (a) \$10,000/month  
(Salary)

(b) until terminated  
(Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Advocacy regarding DCPS educational policy

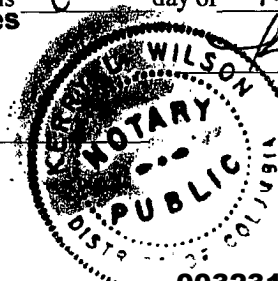
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of February, 2013.

My Commission Expires May 31, 2014



Gregory Wilson  
Notary Public

BEGA REC'D 14FEB'13

My Commission Expires: Washington, DC  
Rev. 12/2012

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name Center for Global Development (b) Daytime Phone Number (202) 416-4000
(c) Permanent Address 1800 Massachusetts Avenue, NW, 3rd Floor Washington, DC 20036
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address emackenzie@cgdev.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Richard Newman, Arent Fox LLP (b) Name
Address 1717 K Street N.W. Address
Washington, DC 20036-5342
Daytime Phone Number (202) 857-6170 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (b) N/A

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Conduit revenue bonds

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 30th day of January, 2013

Notary Public



4.30.2017

'13 FEB 4



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Non-Profit  For-P

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

Filing Fee Enclosed

Name Comcast of the District LLC (b) Daytime Phone Number 202-635-5509

Address 900 Michigan Avenue NE Washington DC 20017  
(Street Address) (City, State, Zip Code)

Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

Address e-mail donna\_rattleywashington@cable.comcast.com

Employment for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you employ an in-house person or retain an individual to lobby, state non-applicable.

William Jarvis  
200 Virginia Avenue NW Ste 202  
(Street Address)  
Washington DC 20037  
(City, State, Zip Code)

(b) Name Donna Rattley Washington  
Address 900 Michigan Avenue NE  
(Street Address)  
Washington DC 20017  
(City, State, Zip Code)

Phone Number 202-204-8700  
If a fax is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202-635-6601

Employment for Client: List the full name of each client with whom you have an agreement for compensation to provide lobbying services, state non-applicable.

\_\_\_\_\_  
(Street Address) (b) Daytime Phone Number \_\_\_\_\_  
(City, State, Zip Code)

Business Relationship: (a) monthly retainer (b) salary (percentage) (a) indefinite (b) indefinite  
(Salary) (Duration of Employment)

If a fax is needed, check box and attach OCF Supplemental Sheet.

Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

I, \_\_\_\_\_, do hereby declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are true, correct, and complete to the best of my knowledge, true, correct, and complete.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name CORRECTIONS CORP. OF AMERICA (CCA) (b) Daytime Phone Number 615-263-3000
(c) Permanent Address 10 BURTON HILLS BLVD. NASHVILLE, TN 37215
(d) Temporary Address (while lobbying)
(e) E-Mail Address jeremy.wiley@cca.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

IN-HOUSE: (a) Name JEREMY WILEY - CCA EMPLOYEE (b) Name CONTRACT LOBBYIST: MAX BROWN / GROUP 360 LLC
Address 601 PENN. AVE. NW, SUITE 210 - SOUTH BUILDING Address 475 H ST. NW
WASH, DC 20004 WASH, DC 20001

Daytime Phone Number 202-698-3012 Daytime Phone Number 202-415-2727
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)
(d) Nature of Business

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

ISSUES RELATING TO THE CORRECTIONAL TREATMENT FACILITY (CTF)

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8 day of January, 2013.
SONETTE R. BOONE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2016
Sonette R. Boone
Notary Public



My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Costco Wholesale Corporation (b) Daytime Phone Number 703-406-6817

(c) Permanent Address 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Holland & Knight/Norman Glasgow, Jr.  
Address 800 17th Street, NW, #1100  
(Street Address)  
Washington, DC 20006  
(City, State, Zip Code)

(b) Name Holland & Knight/Rod Woodson  
Address 800 17th Street, NW, #1100  
(Street Address)  
Washington, DC 20006  
(City, State, Zip Code)

Daytime Phone Number 202-955-3000  
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202-955-3000

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (Salary) (b) \_\_\_\_\_ (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Living Wage Legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature] **Jeffrey Z. Ishida**  
**VP Director of RE Development**

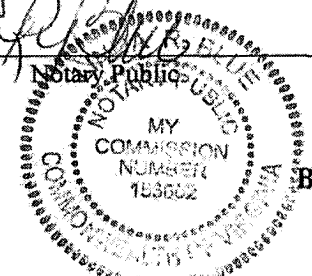
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 23<sup>rd</sup> day of January, 2013.

My Commission Expires: 9/30/2013

[Signature]  
Notary Public



'13 JAN 25

Rev. 12/2012

MY COMMISSION EXPIRES  
9-30-13

NOTARY # 153602  
003235

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

Profit / \$250.00

Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM

(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name Crown Ins. Co. of DC (b) Daytime Phone Number 202-588-1214

(c) Permanent Address 406 Florida Ave., NW Washington, DC 20001  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address bsolb@aol.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy LLC

Address 4410 Massachusetts Ave., NW #150 Address \_\_\_\_\_  
(Street Address) (Street Address)

Washington, DC 20016 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-626-1787

Daytime Phone Number \_\_\_\_\_

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \$1,000/mo. retainer (b) 1/1/13-12/31/13  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Insurance and general business advocacy efforts for auto insurer.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

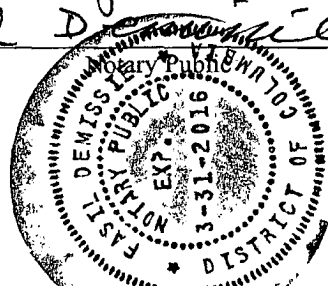
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of January 2013

Faust D. Demme

My Commission Expires: 03-31-2016



OCF FORM 25

'13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-ProfitX

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name CSX Corporation (b) Daytime Phone Number 904-359-3200
(c) Permanent Address 500 Water Street, 15th Floor Jacksonville, FL 32202
(d) Temporary Address (while lobbying)
(e) E-Mail Address Stephen.Flippin@csx.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Steve Flippin Address 1331 Pennsylvania Avenue NW Washington, DC 20004
(b) Name David L. Goldblatt Address The Goldblatt Group PLLC, 506 9th Street NW Washington, DC 20004

Daytime Phone Number 202-626-4931 Daytime Phone Number 202-630-6432
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name CSX Corporation (b) Daytime Phone Number 904-359-3200
(c) Address 500 Water Street, 15th Floor Jacksonville, FL 32202
(d) Nature of Business Freight Transportation Services

4. Terms of Compensation: (a) retainer (Salary) (b) 6 months (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Transportation Issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

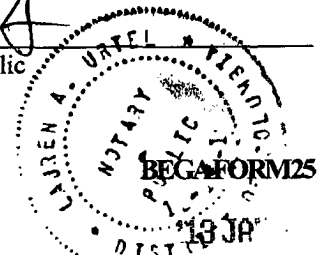
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8 day of January, 2013.

Notary Public signature

My Commission Expires: 12-14-2015

LAUREN A. UPTTEL
NOTARY PUBLIC



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name CVS Caremark (b) Daytime Phone Number (202) 772-3500
(c) Permanent Address 1300 I Street, NW, Suite 525 West Washington, DC 20005
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address rod.woodson@hklaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Roderic L. Woodson (b) Name
Address 800 17th Street, NW Address
Washington, DC 20006

Daytime Phone Number 202-955-3000 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name (b) Daytime Phone Number
(c) Address
(d) Nature of Business pharmaceutical

4. Terms of Compensation: (a) hourly (b) ongoing
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative, business and regulatory matters affecting the pharmaceutical industry before the District of Columbia government.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (LAUREN ROWLEY)

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 22nd day of January 2013.

Wendy Chew
Notary Public, District of Columbia
My Commission Expires 6/30/2014

Signature of Notary Public (Wendy Chew)
Notary Public
13 JAN 25

My Commission Expires:

**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Form**

**D - I**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed [X] \$250.00 [ ] \$50.00

1. (a) Registrant's Name DC Association of Beverage Alcohol Wholesalers (b) Daytime Phone Number 202-544-2200
(c) Permanent Address 1008 Pennsylvania Avenue, SE, Washington, DC 20003
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Paul L. Pascal, Esq. (b) Name Risa Hirao, Esq.
Address same as above Address same as above
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-544-2200 Daytime Phone Number 202-544-2200
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

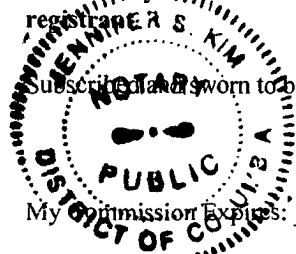
(a) Name DC Association of Beverage Alcohol Wholesalers (b) Daytime Phone Number 202-544-2200
(c) Address 1008 Pennsylvania Avenue, SE, Washington, DC 20003
(d) Nature of Business Beer, Wine & Spirits Wholesalers Trade Association

4. Terms of Compensation: (a) Assessed amounts based on expenditure (b) indefinite
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Legislating affecting the beer, wine & spirits distributing industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist, retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 10th day of January, 2013.
Notary Public

Jennifer S. Kim
Notary Public, District of Columbia
My Commission Expires 3/14/15 BEGA FORM 25



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name District of Columbia Association of Health Plans (DCAHP) (b) Daytime Phone Number 202-621-1886
(c) Permanent Address 1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(d) Temporary Address (while lobbying)
(c) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David W. Wilmot (b) Name
Address 1455 Pennsylvania Avenue, NW., Suite 400 Washington, DC 20004

Daytime Phone Number 202-250-4958
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name District of Columbia Association of Health Plans (DCAHP) (b) Daytime Phone Number (202)-621-1886
(c) Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20004
(d) Nature of Business Health Insurance

4. Terms of Compensation: (a) Monthly Retainer (Salary) (b) Indefinite (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Health Insurance Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

My Commission Expires: 10/31/2016 Notary Public '13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit [x] For-Profit

[x] ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [ ] \$250.00 [x] \$50.00

1. (a) Registrant's Name DC Chamber of Commerce (b) Daytime Phone Number 202-347-7201
(c) Permanent Address 506 9th Street, NW Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address B.Lang@dccchamber.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David L. Goldblatt (b) Name Katherine J. Stocks
Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004
Washington, DC 20004

Daytime Phone Number 202-630-6432 Daytime Phone Number 202-630-6439
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name DC Chamber of Commerce (b) Daytime Phone Number 202-347-7201
(c) Address 506 9th Street NW Washington, DC 20004
(d) Nature of Business Chamber of Commerce

4. Terms of Compensation: (a) retainer (Salary) (b) 12-month period (Duration of Employment)
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed. Business issues

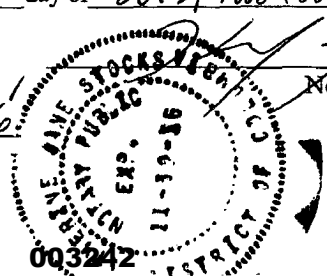
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 14th day of 2013, two thousand thirteen January.

KATHERINE JANE STOCKS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2016

My Commission Expires: November 30, 2016



Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

1. (a) Registrant's Name DC Food Trucks Association, Inc. (b) Daytime Phone Number 202-294-6915
(c) Permanent Address 1451 Belmont St. NW, #214, Washington, DC 20009
(d) Temporary Address (while lobbying)
(e) E-Mail Address che@bbqbusdc.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy
Address 4410 Massachusetts Ave., NW, #150
Washington, DC 20016

Daytime Phone Number 202-625-1787 / 202-253-4929
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) \$3,000 mo. retainer (b) 6/1/12-ongoing
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

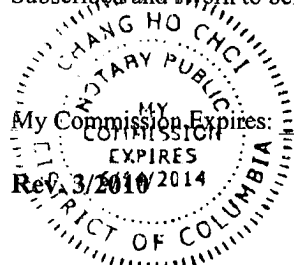
Public health, consumer protection and public space issues impacting mobile food vendors.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of January 2013



Chang Ho Choi
Notary Public District of Columbia
My Commission Expires 6/14/14

Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name DC Hospital Association (b) Daytime Phone Number (202) 682-1581

(c) Permanent Address 1152 15th Street, NW, Suite 900 Washington, DC 20005

(d) Temporary Address (while lobbying)

(e) E-Mail Address jpalmer@dcha.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Robert Malson
Address 1152 15th Street, NW, Suite 900
Washington, DC 20005

(b) Name Justin Palmer
Address 1152 15th Street, NW, Suite 900
Washington, DC 20005

Daytime Phone Number (202) 682-1581
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name DC Hospital Association (b) Daytime Phone Number (202) 682-1581
(c) Address 1152 15th Street, NW, Suite 900 Washington, DC 20005
(d) Nature of Business Health Care

4. Terms of Compensation: (a) Pro-rated (Salary) (b) Permanent (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

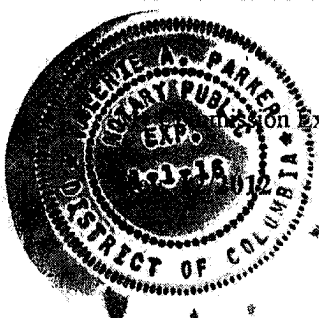
Health Care, Taxation, Insurance and Emergency Preparedness
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (handwritten)

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15th day of January 2013

Notary Public (handwritten signature)



VALERIE A. PARKER
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2018

Notary Public

13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

1. (a) Registrant's Name DC United (b) Daytime Phone Number (202) 278-0297
(c) Permanent Address RFK Stadium, 2400 East Capitol Street, SE Washington, DC 20003
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address mpaez@dcunited.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Craig Engle, Arent Fox LLP (b) Name Jon Bouker, Arent Fox LLP
Address 1717 K Street, N.W. Address 1717 K Street, N.W.
Washington, DC 20036 Washington, DC 20036
Daytime Phone Number (202) 775-5791 Daytime Phone Number (202) 857-6183

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Arent Fox has been engaged to advise DC United with respect to Federal and District government relations matters including budget, tax, revenue, development and tourism.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

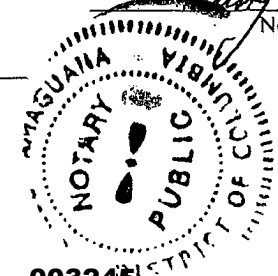
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013.

[Signature] Notary Public

My Commission Expires: 02/14/2015



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

ORIGINAL

Profit / \$250.00

AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Non-Profit / \$50.00

1. (a) Registrant's Name Delta Dental of California (b) Daytime Phone Number 415-972-8418

(c) Permanent Address 100 First St., San Francisco, CA 94015
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address jalbum@delta.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy

Address 4410 Massachusetts Ave., NW #150
(Street Address)
Washington, DC 20016
(City, State, Zip Code)

Address
(Street Address)
(City, State, Zip Code)

Daytime Phone Number 202-625-1787
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number

(c) Address
(Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) \$4,500/mo. retainer (Salary) (b) 1/1/11-ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

See attached.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

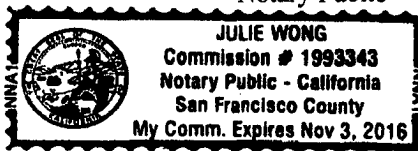
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

State of California, County of San Francisco

Subscribed and sworn to before me on this 2nd day of January, 2013.
proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public

My Commission Expires: November 3, 2016



Rev. 3/2010

OCF FORM 25
'13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name District of Columbia Building Industry Association (b) Daytime Phone Number 202- 966-8665
(c) Permanent Address 5100 Wisconsin Avenue, NW, Suite 301 Washington, DC 200016
(d) Temporary Address (while lobbying)
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David L. Goldblatt (b) Name Katherine J. Stocks
Address The Goldblatt Group PLLC, 506 9th Street NW Washington, DC 20004
Daytime Phone Number 202-630-6432 Daytime Phone Number 202-630-6439

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name District of Columbia Building Industry Association (b) Daytime Phone Number 202-966-8665
(c) Address 5100 Wisconsin Avenue, NW, Suite 301 Washington, DC 20016
(d) Nature of Business Association

4. Terms of Compensation: (a) retainer (Salary) (b) 12-month period (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Building Industry issues

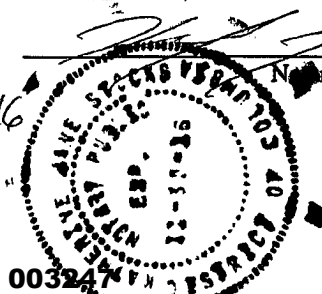
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15th day of 2013, two thousand thirteen January

KATHERINE JANE STOCKS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2016
My Commission Expires: November 30, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name District of Columbia Insurance Federation (b) Daytime Phone Number 202-797-0757  
(c) Permanent Address P.O. Box 34757 Washington, DC 20043  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address wmcowen@dcif.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Wayne E. McOwen (b) Name \_\_\_\_\_  
Address 3014 Fairmont Street Address \_\_\_\_\_  
(Street Address) (Street Address)  
Falls Church, VA 22042 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-387-0762 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Any and all matters pertaining to Property, Casualty, Life and Health insurance

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Joann Waiters

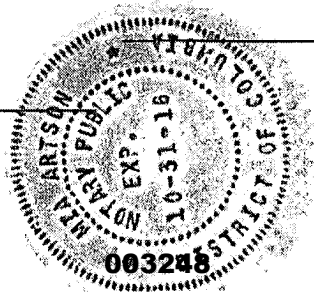
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8 day of January, 2013.

mca Artow  
Notary Public

My Commission Expires: 10/31/2016





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

ORIGINAL  
 AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

a) Registrant's Name Donald L. Myers for American University (b) Daytime Phone Number 202-885-2709

c) Permanent Address 4400 Massachusetts Ave., NW, Washington, DC 20016  
(Street Address) (City, State, Zip Code)

d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

e) E-Mail Address don@american.edu

Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

Terms of Compensation: (a) N/A (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Education/University Issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Donald L. Myers

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of JANUARY 2013.

Patricia A. McKinis  
Notary Public

My Commission Expires: 08/14/14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

[X] Profit / \$250.00

[ ] Non-Profit / \$50.00

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

1. (a) Registrant's Name Duncan Solutions, Inc. (b) Daytime Phone Number (414) 847-3773
(c) Permanent Address 633 W. Wisconsin Ave., Suite 1600 Milwaukee, WI 53203
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address JKennedy@DuncanSolutions.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name American Management Corporation (b) Name
Address 1455 Pennsylvania Ave. NW, Suite 400 Washington, DC 20004
Washington, DC 20004

[ ] Daytime Phone Number (202) 280-6364
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Not Applicable (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) \$2,500.00 per month (b) Month-to-month
If more space is needed, check box and attach OCF Supplemental Sheet.

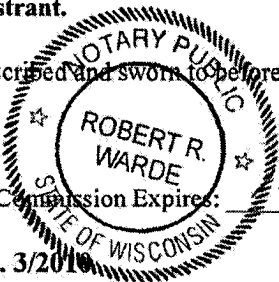
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Delinquent collection services; parking-related systems and services

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15th day of January, 2013



Notary Public Signature

13 JAN 24

**E**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Enhanced Capital Partners (b) Daytime Phone Number 504-569-7900
(c) Permanent Address 201 St. Charles Avenue, Suite 3700, New Orleans, LA 70170
(d) Temporary Address (while lobbying) n/a
(e) E-Mail Address progers@enhancedcap.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
(a) Name American Management Corporation (b) Name
Address 1455 Pennsylvania Avenue NW, Suite 400 Address
Washington DC 20004

Daytime Phone Number 202-280-6364 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.
(a) Name Enhanced Capital Partners (b) Daytime Phone Number 504-569-7900
(c) Address 201 St. Charles Avenue, Suite 3700, New Orleans, LA 70170
(d) Nature of Business Government Affairs Consulting - DC Certified Capital Company Program (DC CAPCO)

4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
DC Certified Capital Company Program (DC CAPCO)

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of December January 2013

Notary Public signature

My Commission Expires: upon death

Jeffery Phillips Good
Notary Public
LA Bar Number 33155
My Commission is for Life

BEGA FORM 25
'13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$230.00  
 \$50.00

1. (a) Registrant's Name ESA (b) Daytime Phone Number 2022232400

(c) Permanent Address 575 7th St NW, Suite 300, Wash, DC 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address TFOVLES@theESA.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name MAX BROWN (b) Name \_\_\_\_\_  
Address 475 H ST NW Address \_\_\_\_\_  
(Street Address) (Street Address)  
WASH DC 20001 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202 415 2727 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name NIA (b) Daytime Phone Number \_\_\_\_\_  
(c) Address NIA  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business TRADE ASSOCIATION FOR VIDEO GAME INDUSTRY

4. Terms of Compensation: (a) MONTHLY (b) ONGOING  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

MATTERS AFFECTING VIDEO GAME INDUSTRY

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2nd day of January, 2013.

Stephan Powell  
Notary Public

My Commission Expires: 1/14/20



Rec'd 1/14/13  
BP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

Year 2013

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

1. (a) Registrant's Name Ernest Maier, Inc. (b) Daytime Phone Number 240-508-3210
(c) Permanent Address 4700 Annapolis Rd., Bladensburg, MD 20710
(d) Temporary Address (while lobbying)
(e) E-Mail Address bquinn03@emcoblock.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy
Address 4410 Massachusetts Ave., NW, #150
Washington, DC 20016

Daytime Phone Number 202-625-1787 / 202-253-4929
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.
If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) \$350 hourly rate (b) 4/3/12-ongoing
If more space is needed, check box and attach OCF Supplemental Sheet.

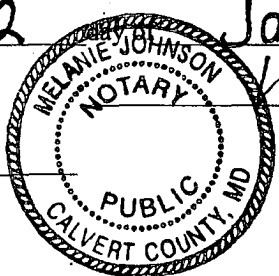
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2 January 2013

My Commission Expires: 10/18/16
Notary Public



**F**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Christina W. Figueras (b) Daytime Phone Number 202-415-6081

(c) Permanent Address 1100 Connecticut Avenue, NW, Suite 800, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable. **Non-applicable**

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_

Address \_\_\_\_\_  
(Street Address)

Address \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Trial Lawyers Association of Metropolitan, D.C. (b) Daytime Phone Number 202-659-3532

(c) Address 1919 M Street, NW, Suite 350, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Association of Trial Lawyers

4. Terms of Compensation: (a) \$40,000 plus bonus (b) at will  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters of interest to personal injury and other trial attorneys

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*Christina W. Figueras*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

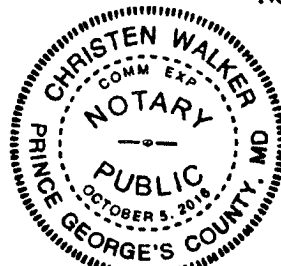
Subscribed and sworn to before me on this 7<sup>th</sup> day of January, 2013.

*[Signature]*  
Notary Public

My Commission Expires: 10/5/16

Rev. 12/2012

BEGA FORM 25



003256

*Rec'd by S. Peterson (BEGA)  
1/8/13*



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Fire Fighters Assc. of DC (b) Daytime Phone Number 202-635-8500

(c) Permanent Address 2120 Bladensburg Rd NE Washington DC 20018
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address james.gordon@jaff36.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Gregory S. Proctor Jr
Address 14408 Old Mills RD #201
Upper Marlboro MD 20772
(Street Address) (City, State, Zip Code)

(b) Name Nick Dewey
Address 444 N Capital st NW #601
Washington DC 20001
(Street Address) (City, State, Zip Code)

Daytime Phone Number 301 952 8885
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 410 280 5088

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business Fire and Rescue

4. Terms of Compensation: (a) 50,000.00 (Salary) (b) Jan 1- Dec 31 2013 (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues pertaining to pension, disability matters and budget

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this day of

Notary Public

My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Fresenius Medical Care (b) Daytime Phone Number 574-273-6787  
(c) Permanent Address 250 E. Day Road, Suite 300 Mishawaka, IN 46545  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Martin Guy Rohling (b) Name \_\_\_\_\_  
Address Albers & Company, 1655 North Fort Myer Drive Address \_\_\_\_\_  
(Street Address) (Street Address)  
Suite 700, Arlington, VA 22209 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 703-358-9100 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) varies (b) 2013  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.  
Issues relating to dialysis and chronic kidney disease.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

William E. Albers  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. William E. Albers on behalf of Fresenius Medical Care.

Subscribed and sworn to before me on this 15<sup>th</sup> day of January, 2013  
Alfred [Signature]  
Notary Public

My Commission Expires: My Comm. Exps. 12/31/2013

13 JAN 15

G

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name The Goldblatt Group PLLC
(b) Daytime Phone Number 202-630-6432
(c) Permanent Address 506 9th Street, NW Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address david@thegoldblattgroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David L. Goldblatt
Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004
(b) Name
Address

Daytime Phone Number 202-630-6432
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name CSX Corporation
Address 500 Water Street, 15th Floor Jacksonville, FL 32202
(b) Daytime Phone Number 804-359-3200
(c) Address
(d) Nature of Business Freight Transportation Services

4. Terms of Compensation: (a) retainer (Salary) (b) 12-month period (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Transportation issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

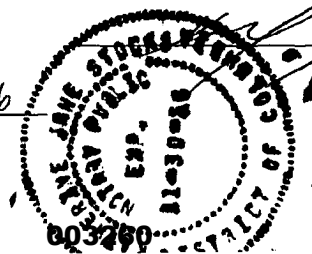
[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of 2013, Two Thousand Thirteen January.

KATHERINE JANE STOCKS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2016

My Commission Expires: November 30, 2016



Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name The Goldblatt Group PLLC
(b) Daytime Phone Number 202-630-6432
(c) Permanent Address 506 9th Street, NW Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address david@thegoldblattgroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
(a) Name David L. Goldblatt Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004
(b) Name Katherine J. Stocks Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004

Daytime Phone Number 202-630-6432 Daytime Phone Number 202-630-6439
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.
(a) Name DC Chamber of Commerce (b) Daytime Phone Number 202-347-7201
(c) Address 506 9th Street, NW Washington, DC 20004
(d) Nature of Business Chamber of Commerce

4. Terms of Compensation: (a) retainer (Salary) (b) 12-month period (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Business issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11/14th day of 2013, Two Thousand Thirteen January

KATHERINE JANE STOCKS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2016
My Commission Expires: November 30, 2016

Notary Public
003261
BEGA FORM 25
13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name The Goldblatt Group PLLC
(b) Daytime Phone Number 202-630-6432
(c) Permanent Address 506 9th Street, NW Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address david@thegoldblattgroup.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name David L. Goldblatt Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004
(b) Name Katherine J. Stocks Address The Goldblatt Group PLLC, 506 9th Street, NW Washington, DC 20004

Daytime Phone Number 202-630-6432 202-630-6439
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name District of Columbia Building Industry Association (b) Daytime Phone Number 202-966-8665
(c) Address 5100 Wisconsin Avenue, NW, Suite 301 Washington, DC 20016
(d) Nature of Business Association

4. Terms of Compensation: (a) retainer (Salary) (b) 12-month period (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Building industry issues

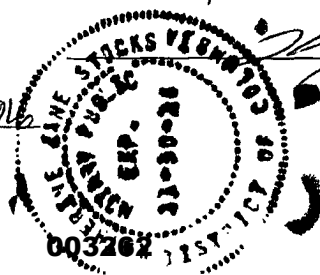
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of 2013, Kero Khusaun Hartman January.

KATHERINE JANE STOCKS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 30, 2016



[Handwritten Signature]
Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Google Inc. (b) Daytime Phone Number (415) 389-6800  
(c) Permanent Address c/o 2350 Kerner Blvd., Ste. 250 San Rafael, CA 94901  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address google@nmgovlaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William Ashworth (b) Name \_\_\_\_\_  
Address c/o 2350 Kerner Blvd., Ste. 250 Address \_\_\_\_\_  
(Street Address) (Street Address)  
San Rafael, CA 94901 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number (415) 389-6800 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Google Inc. (b) Daytime Phone Number (415) 389-6800  
(c) Address c/o 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Provide internet-related products and services.

4. Terms of Compensation: (a) Pro-rata Compensation (b) Indefinite; In-house employee  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Technology; Autonomous Vehicle Legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2012 3

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

1. (a) Registrant's Name Great Gulf DC, LLC (b) Daytime Phone Number (202) 625-4881
(c) Permanent Address 1101 30th Street NW, Suite 500 Washington, DC 20007
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address pannick@greatgulfdc.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.
(a) Name Ellen McCarthy, Arent Fox LLP (b) Name
Address 1717 K Street, N.W. Address
Washington, DC 20036
Daytime Phone Number (202) 857-6455 Daytime Phone Number

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.
(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Assistance in negotiations with WMATA and Historic Preservation Staff, support for amendments to condo bill

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

(Harry Rosenbaum, Manager, for Great Gulf DC, LLC)
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013

Notary Public

My Commission Expires: n/a



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Greenstein DeLorme & Luchs, P.C. (b) Daytime Phone Number (202) 452-1400
(c) Permanent Address 1620 L Street, N.W., Suite 900 Washington, D.C. 20036-5605
(d) Temporary Address (while lobbying)
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Richard W. Luchs, Esq. (b) Name Vincent Mark J. Policy, Esq.
Address Abraham J. Greenstein, Esq. Address
1620 L Street, N.W., Suite 900 Washington, D.C. 20036-5605
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number (202) 452-1400 Daytime Phone Number (202) 452-1400
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name of Metropolitan Washington (b) Daytime Phone Number (202) 296-3390
(c) Address 1050 17th Street, N.W., Suite 300 Washington, D.C. 20036
(d) Nature of Business Trade Association

4. Terms of Compensation: (a) Occasion (b) Continuing
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislation and Rulemaking, Primarily Real Estate Housing, Taxation and Other Subjects

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

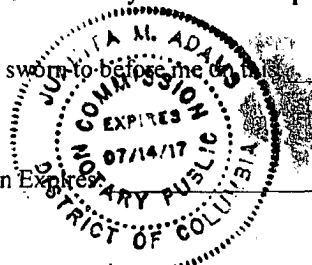
Greenstein DeLorme & Luchs, P.C.

By: Vincent Mark J. Policy
Vice President

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on 19th day of February, 2013



Notary Public signature and stamp BEGA REC'D 19FEB'13

My Commission Expires

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

- 1. (a) Registrant's Name G.S. Procter and Associates (b) Daytime Phone Number 3019528885
- (c) Permanent Address 14408 Old Mill Road, Ste 201 Upper Marlboro, Md 20772  
(Street Address) (City, State, Zip Code)
- (d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)
- (e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

- (a) Name Gregory S. Procter Jr (b) Name Joe Green
- Address 14408 Old Mill Road, Ste 201 Address 444 N. Capitol St. NW  
(Street Address) (Street Address)
- Upper Marlboro, Md 20772 Washington, DC 20001  
(City, State, Zip Code) (City, State, Zip Code)

- Daytime Phone Number 3019528885 Daytime Phone Number 2023475224
- If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

- (a) Name Fire Fighters Assoc. of District of Columbia Daytime Phone Number \_\_\_\_\_
- (c) Address 2130 Blodensburg Road, NE, Washington, DC 20018  
(Street Address) (City, State, Zip Code)
- (d) Nature of Business Fire and Rescue

- 4. Terms of Compensation: (a) \$21,000 (b) March, 1 2012 - Feb. 29, 2013  
(Salary) (Duration of Employment)
- If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues pertaining to pension, disability, and budget

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Joanne M. Reed

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this January 9 day of January 2013.

Al...  
Notary Public

My Commission Expires: 3/16/2015

**H**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

[X] ORIGINAL
[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Non-Profit [X] For-Profit [ ]
Filing Fee Enclosed [ ] \$250.00
[ ] \$50.00

1. (a) Registrant's Name HELP USA (b) Daytime Phone Number (212) 400-7030
(c) Permanent Address 5 Hanover Square, 17th Floor New York, NY 10004
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address thameline@helpusa.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.
(a) Name Ellen McCarthy, Arent Fox LLP (b) Name
Address 1717 K Street, NW Address
Washington, DC 20036
Daytime Phone Number (202) 857-6455 Daytime Phone Number

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.
(a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (b) N/A
(Salary) (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Assist in planning process of homeless shelter in the District.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

T. Amelun, President HELP USA

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2 day of January, 2013.

ANGELA T. BATISTA
Notary Public, State of New York
No. 01BA6233558
Qualified in Nassau County
Commission Expires December 27, 2014

Angela Batista
Notary Public

My Commission Expires: Commission Expires December 27, 2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name HMS, Inc. (b) Daytime Phone Number 202.448.2024
(c) Permanent Address 1333 H Street N.W., Suite 600 West, Washington, D.C. 20005
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address kballantine@hms.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Warner Session (b) Name Douglas Stringer
Address 1150 Connecticut Ave., NW, 9th floor
Washington, D.C. 20036

Daytime Phone Number 202.862.4313
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name HMS Inc., Kristen Ballantine (b) Daytime Phone Number 202.448.2024
(c) Address 1333 H Street, NW, Suite 600 West, Washington, DC 20005
(d) Nature of Business Health Care

4. Terms of Compensation: (a) 3,500 (b) 2013
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Medicaid Cost Containment, Health care

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed before me on this 24th day of January, 2013.



Notary Public signature and name.

My Commission Expires 10/31/16

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name HNTB Corporation (b) Daytime Phone Number (415) 389-6800

(c) Permanent Address c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address jskelton@nmgovlaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Michael Inabinet (b) Name \_\_\_\_\_  
Address c/o 2350 Kerner Blvd., Ste. 250 Address \_\_\_\_\_  
(Street Address) (Street Address)  
San Rafael, CA 94901 (City, State, Zip Code) \_\_\_\_\_  
(City, State, Zip Code)

Daytime Phone Number (415) 389-6800 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name HNTB Corporation (b) Daytime Phone Number (415) 389-6800  
(c) Address c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Provide architecture, engineering and planning services.

4. Terms of Compensation: (a) Pro-rata portion of salary (b) Ongoing full-time employee of registrant  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters relative to architecture, engineering and planning services.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (ok, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_,

San Attached California Jurat  
Notary Public

My Commission Expires: \_\_\_\_\_

*rec'd 12/21/12 by: SP*

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Holland & Knight (b) Daytime Phone Number 202-955-3000

(c) Permanent Address 800 17th Street, NW, #1100, Washington, DC 20006  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Norman M. Glasgow, Jr  
Address 800 17th St, NW, #1100  
(Street Address)  
Washington, DC 20006  
(City, State, Zip Code)

(b) Name Rod Woodson  
Address 800 17th St, NW, #1100  
(Street Address)  
Washington, DC 20006  
(City, State, Zip Code)

Daytime Phone Number 202-955-3000

Daytime Phone Number 202-955-3000

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Costco Wholesale Corporation (b) Daytime Phone Number 703-406-6817

(c) Address 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Real Estate

4. Terms of Compensation: (a) hourly (b) on-going  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Living Wage legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*Norman M. Glasgow, Jr.*

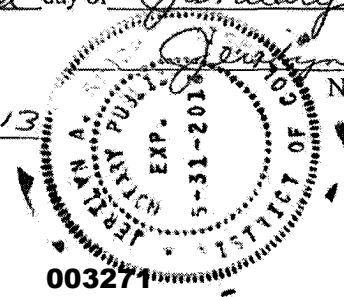
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 23rd day of January, 2013.

*Joseph D. Spack*  
Notary Public

My Commission Expires: May 31, 2013



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Holland & Knight LLP (b) Daytime Phone Number 202-955-3000
(c) Permanent Address 800 17th Street, NW, Washington, DC 20006
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address rod.woodson@hkllaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Roderic L. Woodson (b) Name Neil O. Albert
Address 800 17th Street, NW Address 800 17th Street, NW
Washington, DC 20006 Washington, DC 20006

Daytime Phone Number 202-955-3000 Daytime Phone Number 202-955-3000
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Miller & Long Concrete Construction (b) Daytime Phone Number 301-857-3000
(c) Address 4824 Rugby Avenue, Bethesda, MD 20814
(d) Nature of Business construction

4. Terms of Compensation: (a) hourly (b) ongoing
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Legislative, business and regulatory matters affecting the construction industry before the District of Columbia government.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 24th day of January, 2013.
Notary Public

My Commission Expires: Emille G. Robinson
District of Columbia, Notary Public
My Commission Expires June 14, 2013



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Holland & Knight (b) Daytime Phone Number 202-955-3000

(c) Permanent Address 800 17th Street, NW, #1100, Washington, DC 20006  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Christy M. Shiker (b) Name \_\_\_\_\_

Address 800 17th Street, NW, #1100 Address \_\_\_\_\_  
(Street Address) (Street Address)

Washington, DC 20006 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-955-3000 Daytime Phone Number \_\_\_\_\_

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name USL WDC (b) Daytime Phone Number 703-442-0065

(c) Address 4601 N. Fairfax Drive, #1150, Arlington, VA 22203  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Real Estate

4. Terms of Compensation: (a) Hourly (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

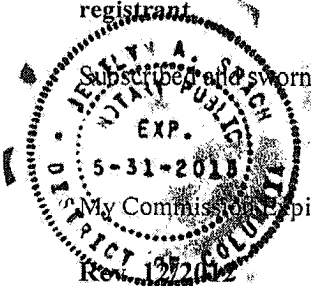
Alley Closing Legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Christy M. Shiker

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 16<sup>th</sup> day of January, 2013

Julie A. Spahr  
Notary Public

My Commission Expires: May 31, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Victor Carl Honey (b) Daytime Phone Number (202) 710-0986
Joseph Curseen & Thomas Morris Post Office
(c) Permanent Address 900 Brentwood Rd. N.E. (General Delivery) Washington, DC 20090-9999
(d) Temporary Address (while lobbying) (Same)
(e) E-Mail Address victor\_honey@ymail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
(a) Name N/A (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.
(a) Name No Activity or Lobbyists at this time. (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)
(d) Nature of Business International Legistlation, and Tort Reform Legistlation.

4. Terms of Compensation: (a) (Same as item 3.(a)) (b) N/A
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Victor Carl Honey

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 14 day of January 2013
Notary Public

My Commission Expires: Sept 30, 2014 '13 JAN 16

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Hotel Association of Washington, D.C., Inc. (b) Daytime Phone Number 202.289.0584

(c) Permanent Address 1201 New York Avenue, N.W., Suite 601, Washington, D.C. 20005  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David W. Wilmot  
Address 1455 Pennsylvania Ave., N.W., Suite 400  
(Street Address)  
Washington, D.C. 20004  
(City, State, Zip Code)

(b) Name Solomon Keene, Jr.  
Address 1201 New York Ave., N.W., Suite 601  
(Street Address)  
Washington, D.C. 20005  
(City, State, Zip Code)

Daytime Phone Number 202.289.0584  
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202.289.0584

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Members of the Hotel Association of Washington, D.C. (b) Daytime Phone Number 202.289.0584  
(c) Address 1201 New York Ave., N.W., Suite 601, Washington, D.C. 20005  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Association

4. Terms of Compensation: (a) Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters of concern to the hotel industry in Washington, D.C.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

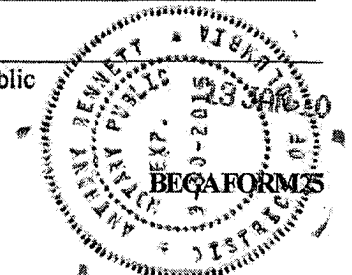
Subscribed and sworn to before me on this 10 day of Jan., 2013.

ANTHONY BENNETT  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires September 30, 2015

*Handwritten signature of Anthony Bennett*

Notary Public

My Commission Expires: \_\_\_\_\_





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Institute for Justice (b) Daytime Phone Number (703) 683-9320  
(c) Permanent Address 901 N. Glebe Road, Suite 900 Arlington, VA 22203  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) 901 N. Glebe Road, Suite 900 Arlington, VA 22203  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address sanderson@ij.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Robert Frommer (b) Name Robert Gall  
Address 901 N. Glebe Road, Suite 900 Address 901 N. Glebe Road, Suite 900  
(Street Address) (Street Address)  
Arlington, VA 22203 Arlington, VA 22203  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number (703) 683-9320 Daytime Phone Number (703) 683-9320  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Economic liberty, asset forfeiture

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

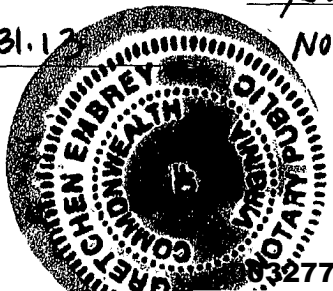
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 20<sup>th</sup> day of December, 2012.

*[Handwritten Signature]*  
Notary Public

My Commission Expires: 8.31.12 Notary No. 360360



**J**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name N William Jarvis (b) Daytime Phone Number 202-204-8700

(c) Permanent Address 2600 Virginia Avenue NW Suite 202 Washington DC 20037

(d) Temporary Address (while lobbying)

(e) E-Mail Address wjarvis@thejarviscompany.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Address (b) Name Address

Daytime Phone Number If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Comcast of the District LLC (b) Daytime Phone Number 202-635-6609

(c) Address 900 Michigan Avenue NE Washington DC 20017

(d) Nature of Business cable and media

4. Terms of Compensation: (a) monthly retainer (b) indefinite

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Government relations and legislative matters of concern to Comcast

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (handwritten signature)

Signature of Registrant (of, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013.

Notary Public (handwritten signature)

My Commission Expires: July 14, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name N William Jarvis (b) Daytime Phone Number 202-204-8700

(c) Permanent Address 2600 Virginia Avenue NW Suite 202 Washington DC 20037

(d) Temporary Address (while lobbying)

(e) E-Mail Address wjarvis@thejarviscompany.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name DC09 (b) Daytime Phone Number 202-649-1000
(c) Address 55 M Street SE Washington DC 20003
(Street Address) (City, State, Zip Code)

(d) Nature of Business lottery services

4. Terms of Compensation: (a) monthly retainer (Salary) (b) indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Government relations and legislative matters of concern to DC09

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are to the best of my knowledge, true, correct, and complete.

Handwritten signature of N William Jarvis

Signature of Registrant (or if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013.

Handwritten signature of Notary Public

My Commission Expires: July 14, 2013



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name N William Jarvis (b) Daytime Phone Number 202-204-8700

(c) Permanent Address 2600 Virginia Avenue NW Suite 202 Washington DC 20037

(d) Temporary Address (while lobbying)

(e) E-Mail Address wjarvis@thejarviscompany.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Address (b) Name Address

Daytime Phone Number If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name IBM (b) Daytime Phone Number 703-424-7611
(c) Address 12902 Federal Systems Park Drive Fairfax VA 22033

(d) Nature of Business consulting and technology

4. Terms of Compensation: (a) monthly retainer (b) indefinite

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Government relations and legislative matters of concern to IBM

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are to the best of my knowledge, true, correct, and complete.

Handwritten signature of N William Jarvis

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013.

Notary Public signature and name

My Commission Expires: July 14, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Julyan&Julyan, LTD (b) Daytime Phone Number (202) 367-0800
(c) Permanent Address 1100 G Street, NW #655 Washington, DC 20005
(d) Temporary Address (while lobbying)
(e) E-Mail Address dsjulyan@me.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David Julyan (b) Name
Address 1100 G Street, NW #655 Washington, DC 20005

Daytime Phone Number (202) 367-0800
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Terrell Place Properties, LLC (b) Daytime Phone Number (202) 776-1005
(c) Address 1300 Wilson Boulevard, Suite 910, Arlington, VA 22209
(d) Nature of Business Property acquisition and building management

4. Terms of Compensation: (a) Fee (b) Until cancelled
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

B19-517, Verizon Center Graphics and Entertainment Act

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10 day of January, 2013.

JOANNE D. LEACH
Notary Public, District of Columbia
My Commission Expires Oct 31, 2015

Joanne D. Leach
Notary Public

My Commission Expires:

**K**

check # 1276

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Kaiser Foundation Health Plan (b) Daytime Phone Number 301-816-6480  
an LLC Mid Atlantic States Inc.  
(c) Permanent Address 2101 E. Jefferson St., Rockville MD 20852  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address Laurie.Kuiper@KF.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Laurie Kuiper (b) Name \_\_\_\_\_  
Address 2101 E Jefferson St Address \_\_\_\_\_  
(Street Address) (Street Address)  
Rockville, MD 20852 (City, State, Zip Code)

Daytime Phone Number 301-816-6480 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name NA (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) NA (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Health care, Health Insurance, General Business

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2 day of January 2013

My Commission Expires: August 15, 2013  
Notary Public Jean E. Harvey  
State of Maryland  
Montgomery County

Rev. 12/2012 Rec'd by: S. Petersen (BEGH)  
11/7/13

My Commission Expires August 15, 2013

check # 1276

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Kaiser Foundation Health Plan of the Mid Atlantic States Inc. (b) Daytime Phone Number 301-816-6480  
(c) Permanent Address 2101 E. Jefferson St., Rockville MD 20852  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address Laurie.Kuiper@KP.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Laurie Kuiper (b) Name \_\_\_\_\_  
Address 2101 E Jefferson St Address \_\_\_\_\_  
(Street Address) (Street Address)  
Rockville, MD 20852 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 301-816-6480 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name NA (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) NA (b) \_\_\_\_\_  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Health care, Health Insurance, General Business

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2 day of January 2013  
[Signature]  
Notary Public Jean B. Harvey  
State of Maryland  
Montgomery County

My Commission Expires: August 15, 2013

Rev. 12/2012

Rec'd by: S. Peterson (BEGH)  
11/7/13

My Commission Expires August 15, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Kool Smiles (b) Daytime Phone Number 770-916-5021

(c) Permanent Address 1090 Northchase Parkway SE, Suite 150 Marietta, GA 33067  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Martin Guy Rohling (b) Name \_\_\_\_\_  
Address Albers & Company, 1655 North Fort Myer Drive Address \_\_\_\_\_  
(Street Address) (Street Address)  
Suite 700, Arlington, VA 22209 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 703-358-9100 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \$2,000/month (b) 2013  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Issues dealing with dentistry and Medicaid.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

William E. Albers

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. William E. Albers on behalf of Kool Smiles.

Subscribed and sworn to before me on this 15<sup>th</sup> day of January  
Alfred Brown  
Notary Public

My Commission Expires: My Comm. Exps 2/3, 2013

'13 JAN 15

Check # 1275

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Laurie Kuiper (b) Daytime Phone Number 301-814-6480  
(c) Permanent Address 2101 E. Jefferson St. Rockville, MD 20852  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address Laurie.Kuiper@KP.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name NA (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number \_\_\_\_\_

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Kaiser Foundation Health Plan of the Mid-Atlantic States Inc. (b) Daytime Phone Number 301-814-6480  
(c) Address 2101 E. Jefferson St., Rockville, MD 20852  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Health Care Delivery & health insurance

4. Terms of Compensation: (a) \_\_\_\_\_ (Salary) (b) 8/2009 - present  
(Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Health care, health insurance, general business issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2 day of January, 2013.

[Signature]

Notary Public  
Jean B. Harvey  
Notary Public  
State of Maryland  
Montgomery County

My Commission Expires: August 15, 2013

Rev. 12/2012 Rec'd by: S. Peterson (BEGA)  
1/7/13

My Commission Expires August 15, 2013 BEGAFORM25

**L**



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

1. (a) Registrant's Name Sallie R. Letterlough (b) Daytime Phone Number 202-554-0879
(c) Permanent Address 2111-Walshview Terr. #302 S.I. Sp. Md. 20902

(d) Temporary Address (while lobbying)
(e) E-Mail Address districtofcolumbia@compub.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name N/A (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name Christian Science Comm (b) Daytime Phone Number 202-554-0879
(c) Address on Publication 2111-Walshview Terr. #302 S.I. Sp. Md.
P.O. Box 8220-S.I. Sp. Md. (City, State, Zip Code) 20901
(d) Nature of Business Religious Practice

4. Terms of Compensation: (a) 24,000.00 (Salary) (b) May 2012 to May 2013 (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Legislation relating to religious practice in D.C.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10 day of January, 2013.

Notary Public signature

My Commission Expires: Dec 9, 2015

TINA BROWN
Notary Public
Frederick County
Maryland
My Commission Expires Dec. 9, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Lilly USA, LLC (b) Daytime Phone Number 202-434-1034

(c) Permanent Address 555 12th Street NW, Suite 650 Washington, DC 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Martin Guy Rohling (b) Name \_\_\_\_\_  
Address Albers & Company, 1655 North Fort Myer Drive Address \_\_\_\_\_  
(Street Address) (Street Address)  
Suite 700, Arlington, VA 22209 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 703-358-9100 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \$25,000/year (b) 2013  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Pharmaceutical issues and Medicaid.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

William E. Albers  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant. William E. Albers on behalf of Lilly USA, LLC.

Subscribed and sworn to before me on this 15<sup>th</sup> day of January, 2013  
Alfred Brown  
Notary Public

My Commission Expires: My Comm. Exps. 12/31/2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit [checked] For-Profit

[checked] ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [ ] \$250.00 [checked] \$50.00

1. (a) Registrant's Name LIUNA MAROC (b) Daytime Phone Number 703-860-4194

(c) Permanent Address 11951 Freedom Dr. Rm 1333 ROSTON, VA 20190

(d) Temporary Address (while lobbying) (e) E-Mail Address bpetruska@maluna.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name STEVE LANNING Address 11951 Freedom Dr., 13th Fl. Rm 1333 ROSTON VA 20190
(b) Name A. Bradley Mims Address 1701 Pennsylvania Ave, STE 308 WASHINGTON DC 20006

Daytime Phone Number 703-860-4194 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business LABOR ORGANIZATION

4. Terms of Compensation: (a) Fixed Salary / \$800/mo. (b) on going (Duration of Employment)
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Asbestos licensing regulation, economic development, managerial appointments, labor policy, Local hiring, PLAs
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist/registrant by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Signature of Registrant to be before me on this 10th day of January, 2013.

Signature of Notary Public

7/31/13

'13 JAN 24

**Government of the District of Columbia  
Board of Ethics and Government Accountability  
Lobbyist Registration Forms**

**M - N**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-ProfitX

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Manatt, Phelps & Phillips, LLP (b) Daytime Phone Number (202) 585-6500
(c) Permanent Address 700 12th Street, NW, Suite 1100 Washington, DC 20005

(d) Temporary Address (while lobbying)
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John L. Ray
Address 700 12th St., NW, Suite 1100
Washington, DC 20005

(b) Name Tina Ang
Address 700 12th St., NW, Suite 1100
Washington, DC 20005

Daytime Phone Number (202) 585-6500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

\*\*Independent Gas Station Operator's Alliance (703) 650-6810
(a) Name (see below) (b) Daytime Phone Number
(c) Address 6820-B Commercial Drive, Suite B, Springfield, VA 22151
(d) Nature of Business Petroleum Supplier

\*Landmark Enterprises, DAG Petroleum, Nova Petroleum & Rock Creek, LLC
4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Services related to B-19-299

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this day of

Notary Public

My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Manatt, Phelps & Phillips, LLP (b) Daytime Phone Number (202) 585-6500
(c) Permanent Address 700 12th Street, NW, Suite 1100 Washington, DC 20005
(d) Temporary Address (while lobbying)
(e) E-Mail Address smurray@manatt.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John L. Ray (b) Name Tina Ang
Address 700 12th Street, NW, Suite 1100 Address 700 12th Street, NW, Suite 1100
Washington, DC 20005 Washington, DC 20005

Daytime Phone Number (202) 585-6500 Daytime Phone Number (202) 585-6500
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Federal IPC, LLC (b) Daytime Phone Number (202) 832-7006
(c) Address 1220 W Street, N.E., Washington, DC 20018
(d) Nature of Business Waste Management

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed. Assist client with contract extension issue.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this day of

Notary Public

My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name: McGuireWoods LLP (b) Daytime Phone Number (703) 712-5449

(c) Permanent Address: c/o DeAnna Vanover, 901 East Cary Street, Richmond, VA 23219
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address: dvanover@mwllc.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name: James Dyke, Jr. (b) Name

Address: 1750 Tysons Blvd, Suite 1800
(McLean, VA 22102)
(Street Address)
(City, State, Zip Code)

Address
(Street Address)
(City, State, Zip Code)

Daytime Phone Number: (703) 712-5449

Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Registrant's Name: EdisonLearning, Inc. (b) Daytime Phone Number (212) 419-1767

(c) Permanent Address: 485 Lexington Avenue, 2nd Floor, New York, NY 10017
(Street Address) (City, State, Zip Code)

(d) Nature of Business: All matters related to EdisonLearning, Inc.

4. Terms of Compensation: (a) \$6,000 / month (Salary) (b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

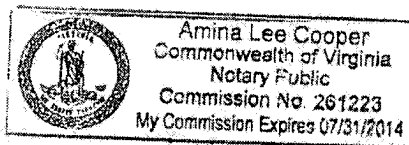
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013.
Amina Lee Cooper
Notary Public

My Commission Expires:



19 JAN 18

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name MDDC Press Association (b) Daytime Phone Number 1855-721-6332

(c) Permanent Address 2000 Capital Drive, Annapolis, MD 21401  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Ellen Valentino-Benitez  
Address 30 Pinkney Street  
(Street Address)  
Annapolis, MD 21401  
(City, State, Zip Code)

(b) Name John Murphy (in-house)  
Address 2000 Capital Drive  
(Street Address)  
Annapolis MD 21401  
(City, State, Zip Code)

Daytime Phone Number 410-693-2226  
 If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 1877-721-6332

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name n/a (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Association representing newspapers

4. Terms of Compensation: (a) \$500 per month (b) until terminated  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters relating to the sale, advertisement and distribution of newspapers.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

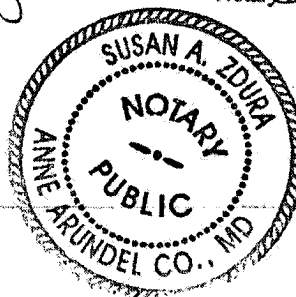
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3 day of Jan 2013

*[Handwritten Signature]*  
Notary Public

My Commission Expires: \_\_\_\_\_

Rev. 12/2011 SUSAN A. ZDURA  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 23, 2014



BEGA FORM 25

rec'd by S. Peterson (BEGA)  
1/7/13



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name MD-DE-DC Beverage Association (b) Daytime Phone Number 410-990-9502

(c) Permanent Address 3 Church Circle #201 Annapolis, MD 21401
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Ellen Valentino-Benitez (b) Name

Address 30 Pinkney Street Address
(Street Address) (Street Address)

Annapolis, MD 21401
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 410-693-2226 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name (b) Daytime Phone Number

(c) Address
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Assn. representing soft drink industry

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to the sale, advertisement and distribution of soft drinks.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (handwritten signature)

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013

Notary Public (handwritten signature)

My Commission Expires: 2/06/2014

Rev. 12/2012 rec'd by: S. Peterson on 1/7/13

JULIA P FOXWELL
Notary Public-Maryland
Dorchester County
My Commission Expires
February 06, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00
\$50.00

Medical Society of the

1. (a) Registrant's Name District of Columbia

(b) Daytime Phone Number 202-466-1800

(c) Permanent Address 1250 23rd Street NW Suite 270
(Street Address)

Washington, DC 20037-1216
(City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address)

(City, State, Zip Code)

(e) E-Mail Address shanbacker@msdc.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name K. Edward Shanbacker

(b) Name

Address 1250 23rd Street NW Suite 270
(Street Address)

Address
(Street Address)

Washington, DC 20037-1216
(City, State, Zip Code)

(City, State, Zip Code)

Daytime Phone Number 202-466-1800

Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

Medical Society of the

(a) Name District of Columbia

(b) Daytime Phone Number 202-466-1800

(c) Address 1250 23rd Street NW Suite 270
(Street Address)

Washington, DC 20037-1216
(City, State, Zip Code)

(d) Nature of Business Professional association of physicians and medical students

4. Terms of Compensation: (a) pro-rated salary/hourly (Salary) (b) on-going (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed. Health care delivery, public health, medical practice, medical liability reform insurance, medicaid, health care access, scope of practice, medical licensure

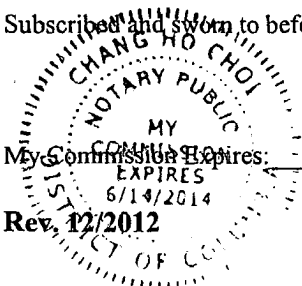
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January 2013



Chang Ho Choi
Notary Public District of Columbia
My Commission Expires 6/14/14

[Handwritten Signature]
Notary Public

BEGA FORM 25

'13 JAN 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name MedImmune (b) Daytime Phone Number 301-398-4311

(c) Permanent Address 271 Yachting Road, Lexington, SC 29072
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address ccastro@multistate.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Julie Garner (b) Name
Address 1023 Covington Street Address
(Street Address) (Street Address)
Baltimore, MD 21230 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 410-456-5210 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) Salaried Employee (b) Indefinite
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Health Care

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7 day of JANUARY, 2013

[Handwritten Signature]
Notary Public

My Commission Expires: Aug 6, 2013

Rev. 12/2012 rec'd by: S. Peterson (BEGA) 1/8/13

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Merck Sharp & Dohme Corp. (b) Daytime Phone Number (415) 389-6800  
 (c) Permanent Address c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901  
 (Street Address) (City, State, Zip Code)  
 (d) Temporary Address (while lobbying) N/A  
 (Street Address) (City, State, Zip Code)  
 (e) E-Mail Address dlim@nmgovlaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

- (a) Name Tamera Brown (b) Name \_\_\_\_\_  
 Address 2612 Northhampton St. NW Address \_\_\_\_\_  
 (Street Address) (Street Address)  
Washington, DC 20015 (City, State, Zip Code)

- Daytime Phone Number (202) 997-7118 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

- (a) Name Merck Sharp & Dohme Corp. (b) Daytime Phone Number (415) 389-6800  
 (c) Address c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Suite 250, San Rafael, CA 94901  
 (Street Address) (City, State, Zip Code)  
 (d) Nature of Business Engaged in the development and sale of pharmaceutical products

4. Terms of Compensation: (a) Pro-rate Compensation (b) indefinite; in-house employee  
 (Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Health Care; Pharmaceuticals; Immunizations

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_,

*[Handwritten Signature]*  
Notary Public

My Commission Expires: \_\_\_\_\_

*Rec'd 12/28/12  
by: [Signature]*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit [checked] For-Profit

[checked] ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [ ] \$250.00 [checked] \$50.00

1. (a) Registrant's Name MTD-ATLANTIC LECET (b) Daytime Phone Number 703-860-4194

(c) Permanent Address 11951 Freedom Dr, Rm. 1333 Reston VA 20190

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address bpetruska@mtluma.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name VICTORIA A. LEONARD (b) Name

Address 11951 Freedom Dr, Rm. 1333 Address (Street Address)

Reston VA 20190 (City, State, Zip Code) (City, State, Zip Code)

[ ] Daytime Phone Number 703-860-4194 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

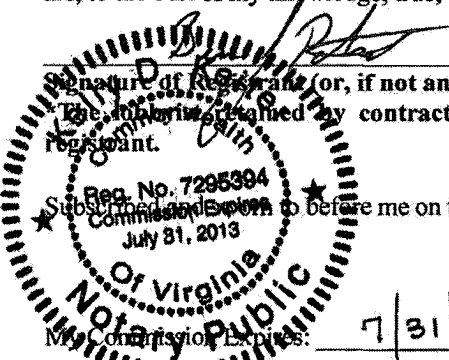
(d) Nature of Business LABOR-Management Trust

4. Terms of Compensation: (a) Fixed Salary (Salary) (b) Ongoing (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Workforce development, economic development, procurement, labor policy, transportation environment, infrastructure
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.



Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
The lobbyist or agent retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

[Signature] Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Miller & Long Concrete Construction (b) Daytime Phone Number 301-657-8000

(c) Permanent Address 4824 Rugby Avenue, Bethesda, MD 20814  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address rod.woodson@nklaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Roderic L. Woodson (b) Name \_\_\_\_\_

Address 800 17th Street, NW Address \_\_\_\_\_  
(Street Address) (Street Address)

Washington, DC 20006 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-955-3000 Daytime Phone Number \_\_\_\_\_

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business construction

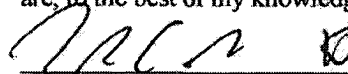
4. Terms of Compensation: (a) hourly (b) ongoing  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative, business and regulatory matters affecting the construction industry before the District of Columbia government.

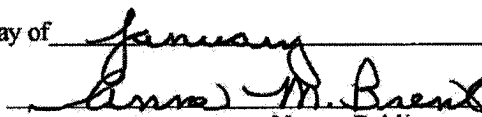
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.



Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 23rd day of January, 2013

  
Notary Public

My Commission Expires: My Commission Expires March 17, 2013

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit [checked]

[checked] ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [checked] \$250.00
[ ] \$50.00

1. (a) Registrant's Name MillerCoors LLC (b) Daytime Phone Number (678) 742-1045
(c) Permanent Address 300 Galleria Parkway, Suite 1800 Atlanta, GA 30339
(d) Temporary Address (while lobbying)
(e) E-Mail Address rochelle.marte@millercdoors.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Frank D. Boston, III (b) Name
Address 2002 Clipper Park Road, Suite 108 Address
Baltimore, MD 21211 (City, State, Zip Code)

Daytime Phone Number (410) 323-7090 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address (Street Address) (City, State, Zip Code)
(d) Nature of Business

4. Terms of Compensation: (a) N/A (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7 day of JANUARY, 2013.

[Handwritten Signature] Notary Public

My Commission Expires: IS PERMANENT

Rec'd by: S. Petersen (BEGIA) 11/8/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Monumental Sports & Entertainment (b) Daytime Phone Number 202.292.1980  
(c) Permanent Address 601 F Street, N.W. Washington, DC 20004  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address rtoe@monumentalsports.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name Claude E. Bailey - Venable LLP  
Address 575 7th Street, N.W. Address 575 7th Street, N.W.  
(Street Address) (Street Address)  
Washington, DC 20004 Washington, DC 20004  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202.344.4631 Daytime Phone Number 202.344.8057  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Monumental Sports & Entertainment - Randall J. Boe (b) Daytime Phone Number 202.292.1980  
(c) Address 601 F Street, N.W. Washington, DC 20004  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Sports Entertainment

4. Terms of Compensation: (a) Hourly (b) Ongoing  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.  
DC signage issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 25<sup>th</sup> day of January 2013

  
Notary Public

My Commission Expires: July 31, 2015

Rev. 12/2012

MARTHA M. STOVALL  
Notary Public, District of Columbia  
My Commission Expires July 31, 2015

BEGA FORM 25

13 JAN 25



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name MTM INC (b) Daytime Phone Number 636 561 5686

(c) Permanent Address 16 Hawk Ridge Dr., Lake St Louis, MO 63367

(d) Temporary Address (while lobbying)

(e) E-Mail Address 6vogel@mtm-inc.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name MAX BROWN Address 475 H ST NW WASH DC 20001

Daytime Phone Number 202 415 2727

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number
(c) Address N/A

(d) Nature of Business TRANSPORTATION & EDUCATIONAL TRAINING

4. Terms of Compensation: (a) MONTHLY (Salary) (b) ongoing (Duration of Employment)

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

TRANSPORTATION & TRAINING MATTERS IN DC

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Alaina Naced

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

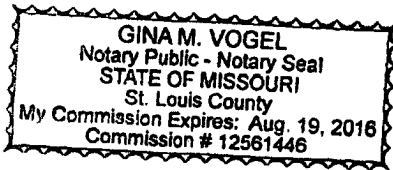
Subscribed and sworn to before me on this 4th day of January 2013.

Gina M. Vogel Notary Public

My Commission Expires: 8/19/2016

Rev. 12/2012

rec'd by: S. Peterson (BEGA) 118113



BEGA FORM 25

**N**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed
Profit / \$250.00
Non-Profit / \$50.00

1. (a) Registrant's Name NAIFA-Greater Washington & GWAHU (b) Daytime Phone Number 703-532-8778
(c) Permanent Address P.O. Box 5153, Arlington, VA 22205
(d) Temporary Address (while lobbying) 1101 30th St., NW, Ste 500, Washington, DC 20007
(e) E-Mail Address dina@naifa-gwdc.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy, LLC
Address 4410 Massachusetts Ave., NW, #150
Washington, DC 20016

Daytime Phone Number 202-625-1787/202-253-4929
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) \$2,100/mo. retainer (b) 6/1/12-6/1/13
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Representing health ins. producers on DC implementation of its health insurance

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of JANUARY, 2013.

Notary Public

My Commission Expires: 10/24/2015

STATE OF MD
County of PRINCE GEORGES

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name JAMES E. NATHANSON (b) Daytime Phone Number 202-357-8420  
(c) Permanent Address 1625 16th Street, NW, #501, Washington, DC 20009  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address jm@nathanson.net

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name n/a (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Trial Lawyers of Metropolitan Washington, DC (b) Daytime Phone Number 202-659-3532  
(c) Address 1919 M Street, NW, Suite 350, Washington, DC 20036  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business An organization representing personal injury attorney interests

4. Terms of Compensation: (a) \$2400 per month (b) January 1, 2013 to present and ongoing indefinitely.  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters of interest to personal injury attorneys.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

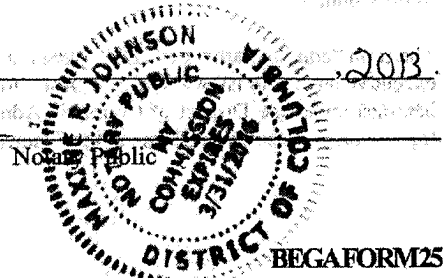
James E. Nathanson  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7<sup>th</sup> day of January, 2013.

Maureen R. Johnson  
Notary Public

My Commission Expires: 03/31/2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name The National Council to Prevent Delinquency (b) Daytime Phone Number (202) 462-6272

(c) Permanent Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name \_\_\_\_\_

Address 575 7th Street, N.W. Address \_\_\_\_\_  
(Street Address) (Street Address)

Washington, DC 20004 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number (202) 344-4631 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name The National Council to Prevent Delinquency (b) Daytime Phone Number (202) 462-6272

(c) Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Non-Profit Organization

4. Terms of Compensation: (a) Hourly (b) Ongoing  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 25<sup>th</sup> day of January 2013

Martha M. Stovall  
Notary Public

My Commission Expires: July 31, 2015

MARTHA M. STOVALL  
Notary Public, District of Columbia  
My Commission Expires: Jul 31, 2015

MARTHA M. STOVALL  
Notary Public, District of Columbia

Rev. 12/2012

BEGA FORM 25

13 JAN 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2012

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name National Nurses United (b) Daytime Phone Number 240-235-2008

(c) Permanent Address 8630 Fenton Street, # 1100, Silver Spring, MD 20910
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address kzinn@nationannursesunited.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Bradley van Waus

(b) Name Korey Hartwich

Address 8630 Fenton Street, # 1100
(Silver Spring, MD 20910)

Address 8630 Fenton Street, #1100
(Silver Spring, MD 20910)

Daytime Phone Number 240-235-2000
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 240-235-2000

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A

(b) Daytime Phone Number

(c) Address
(Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

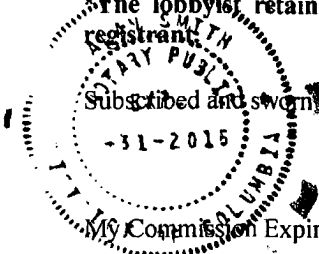
hospital staffing

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of February, 2013.



Notary Public

13 FEB 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name National Public Radio, Inc. (b) Daytime Phone Number (202) 513-2000  
(c) Permanent Address 635 Massachusetts Ave, NW Washington, DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address dcowan@npr.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Richard Newman, Esq., Arent Fox LLP (b) Name Eve Corbin, Esq., Arent Fox LLP  
Address 1717 K Street, N.W. Address 1717 K Street, N.W.  
(Street Address) (Street Address)  
Washington, DC 20036-5342 Washington, DC 20036-5342  
(City, State, Zip Code) (City, State, Zip Code)  
Daytime Phone Number (202) 857-6170 Daytime Phone Number (202) 828-3432

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number N/A  
(c) Address N/A  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Conduit revenue bonds

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

CHIEF FINANCIAL OFFICER  
& TREASURER

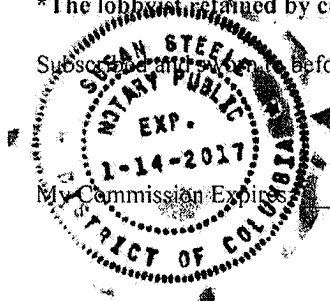
Deborah A. Cowan  
Deborah A. Cowan

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 18th day of January, 2013.

Susan Steele  
Notary Public



1/14/2017

'13 JAN 24

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name NATIONWIDE MUTUAL INSURANCE (b) Daytime Phone Number 804-675-3640
- (c) Permanent Address C/O KATHY FISHER 7501 BOULDERS VIEW DR, STE 500 RICHMOND, VA 23225  
(Street Address) (City, State, Zip Code)
- (d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)
- (e) E-Mail Address FISHEK2@NATIONWIDE.COM

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

- (a) Name LARS KRISTIANSEN (b) Name \_\_\_\_\_  
Address 1401 POPLAR AVENUE Address \_\_\_\_\_  
(Street Address) (Street Address)  
ANNAPOLIS, MD 21046 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 443-994-4319 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

- (a) Name NATIONWIDE MUTUAL INSURANCE (b) Daytime Phone Number \_\_\_\_\_  
(c) Address ONE NATIONWIDE PLAZA COLUMBUS, OH 43215  
(Street Address) (City, State, Zip Code)
- (d) Nature of Business INSURANCE

4. Terms of Compensation: (a) 30,000 (b) SALARY  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

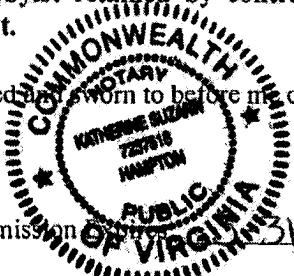
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.  
INSURANCE, SAFETY

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Signature]  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January, 2013



Katherine Suzann Fisher Commissioned  
Notary Public  
as Katherine Suzann Hampton



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Natural Resources Defense Council (b) Daytime Phone Number 212-727-2700
(c) Permanent Address 40 West 20th Street New York, NY 10011
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address jdevine@nrdc.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Jon Devine
Address 1152 15th Street, NW Suite 300
Washington, DC 20005
Daytime Phone Number 202-289-2361

(b) Name Rebecca Hammer
Address 1152 15th Street, NW Suite 300
Washington, DC 20005
Daytime Phone Number 202-513-2254

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Natural Resources Defense Council (b) Daytime Phone Number 212-727-2700
(c) Address 40 West 20th Street New York, NY 10011
(d) Nature of Business Environmental Protection Non-Profit

4. Terms of Compensation: (a) Annual / In-House Employee (Salary) (b) Perpetual, Full-Time Employee (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Water Pollution

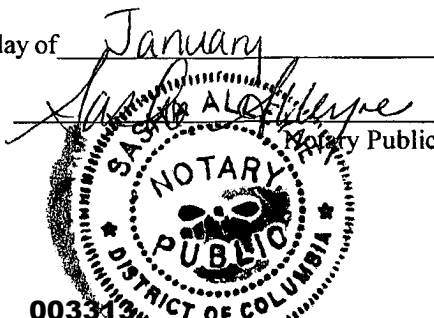
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013.

Sasha Alleyne
NOTARY PUBLIC
District of Columbia
My Commission Expires 4/30/2015



My Commission Expires:

Rec'd by: S. Peterson (BEGA) 1/8/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit x

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Novartis Pharmaceuticals Corp. (b) Daytime Phone Number 862-778-6664
(c) Permanent Address One Health Plaza Bldg. 701/433 East Hanover, NJ 07936
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address gregory.slyfield@novartis.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Neely Frye (b) Name
Address 939 Parish Place Address
Hummelstown, PA 17036

Daytime Phone Number (717) 566-7611 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business Pharmaceutical Manufacturer

4. Terms of Compensation: (a) Prorated salary based on time spent lobbying. (b) Ongoing until terminated.
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to pharmaceuticals and health care.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 17th day of December, 2012
Notary Public

My Commission Expires: July 31, 2014

Lisa Lepore

**Government of the District of Columbia  
Board of Ethics and Government Accountability  
Lobbyist Registration Forms**

**O - R**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Otsuka America Pharmaceutical, Inc. (b) Daytime Phone Number 512-556-5686  
(c) Permanent Address 2440 Research Boulevard Rockville, MD 20850  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address domna.arvin@otsuka-us.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Judy Jenkins (b) Name \_\_\_\_\_  
Address 12305 Harbour Circle Address \_\_\_\_\_  
(Street Address) (Street Address)  
Fort Washington, MD 20744 (City, State, Zip Code)

Daytime Phone Number 301-775-0063 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Pharmaceutical Manufacturer

4. Terms of Compensation: (a) Prorated salary based on time spent lobbying. (b) Ongoing until terminated.  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to pharmaceuticals and health care.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

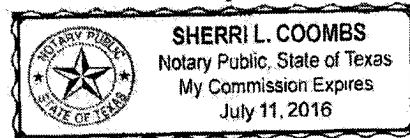
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 18<sup>th</sup> day of December, 2012

*[Handwritten Signature: Sherri L. Coombs]*  
Notary Public

My Commission Expires: July 11, 2016



BEGA FORM 25

**P**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Pascal & Weiss, P.C. (b) Daytime Phone Number 202-544-2200
(c) Permanent Address 1008 Pennsylvania Avenue, SE, Washington, DC 20003
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Paul L. Pascal, Esq. (b) Name Risa Hirao, Esq.
Address same as above Address same as above
(Street Address) (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-544-2200 Daytime Phone Number 202-544-2200
If more space is needed, check box and attach OCF Supplemental Sheet

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name DC Association of Beverage Alcohol Wholesalers (b) Daytime Phone Number 202-544-2200
(c) Address 1008 Pennsylvania Avenue, SE, Washington, DC 20003
(Street Address) (City, State, Zip Code)
(d) Nature of Business Beer, Wine & Spirits Wholesalers Trade Association

4. Terms of Compensation: (a) Assessed amounts based on expenditure (b) indefinite
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislating affecting the beer, wine & spirits distributing industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

NOTARY PUBLIC
My Commission Expires 12-15-15
Rev. 12/2012

Notary Public
Jennifer S. Kim
Notary Public, District of Columbia
My Commission Expires 3/14/15

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Year 2013

ORIGINAL  
 AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

1. (a) Registrant's Name Pepco Holdings, Inc. (b) Daytime Phone Number 202-872-2373  
(c) Permanent Address 701 Ninth Street, NW, Washington, DC 20068  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Beverly Perry (b) Name \_\_\_\_\_  
Address 701 Ninth Street, NW Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20068 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-872-2373 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name NOT APPLICABLE (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed. All executive and legislative matters of interest to an electric utility as such matters arise.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

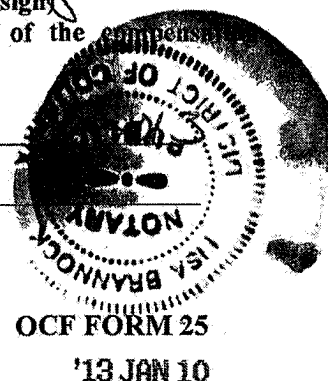
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the registrant.

Subscribed and sworn to before me on this 9 day of January 2013

*[Signature]*  
\_\_\_\_\_  
Notary Public

My Commission Expires: 8/14/14



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Pfizer Inc. (b) Daytime Phone Number (415) 389-6800

(c) Permanent Address c/o 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901

(d) Temporary Address (while lobbying) 235 East 42nd St., 12th Flr, New York, NY 10017

(e) E-Mail Address jskelton@nmgovlaw.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Craig Gill
Address c/o 2350 Kerner Blvd., Ste. 250
San Rafael, CA 94901

(b) Name Atiba Madyun
Address 1221 Massachusetts Ave., N.W.
Washington D.C. 20005

Daytime Phone Number (415) 389-6800
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number (202) 421-5859

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Pfizer Inc. (for Craig Gill) (b) Daytime Phone Number (415) 389-6800
(c) Address c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Ste. 250, San Rafael, CA 94901

(d) Nature of Business Pharmaceutical Manufacturing and Healthcare

4. Terms of Compensation: (a) Salaried Employee (b) Indefinite

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceutical manufacturing and healthcare industries

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Jennie Unger Skelton, Designated Agent for Filer

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this day of

See Attached California Jurat

Notary Public

'13 JAN 23

My Commission Expires:





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

Pharmaceutical Research and Manufacturers of America (PhRMA)

1. (a) Registrant's Name Pharmaceutical Research and Manufacturers of America (PhRMA) (b) Daytime Phone Number 202-835-3428

(c) Permanent Address 950 F Street, NW, Suite 300 Washington, DC 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address paul.larsen@stateandfed.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name John O'Connor  
Address 152 Washington Ave.  
(Street Address)  
Albany, New York 12210  
(City, State, Zip Code)

(b) Name Harmon & Wilmot, LLP  
Address 1455 Pennsylvania Avenue, NW, Suite 400  
(Street Address)  
Washington, DC 20004  
(City, State, Zip Code)

Daytime Phone Number 518-449-5370  
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202-280-6386

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A

(b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business O'Connor: Salaried Employee O'Connor: Indefinite

4. Terms of Compensation: (a) Harmon & Wilmot, LLP: Retainer (b) Harmon & Wilmot, LLP: Annual  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceuticals industry

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Paul Larsen: Paul M

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 2<sup>nd</sup> day of January, 2013 ajm

Angela H. Jones-Wanna  
Notary Public

My Commission Expires: May 16, 2015

Rec'd 1/2/13  
by S. Pelsa  
**003322**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

Year 2013

ORIGINAL  
 AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

1. (a) Registrant's Name Potomac Electric Power Company (b) Daytime Phone Number 202-872-2128  
(c) Permanent Address 701 Ninth Street, NW, Washington, DC 20068  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Thomas Graham (b) Name Donna Cooper  
Address 701 Ninth Street, NW Address 701 Ninth Street, NW  
(Street Address) (Street Address)  
Washington, DC 20068 Washington, DC 20068  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-872-3251 Daytime Phone Number 202-872-2367  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name NOT APPLICABLE (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

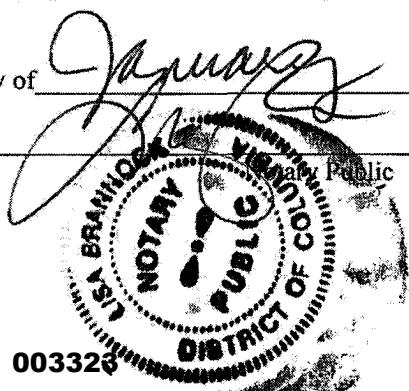
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed. All executive and legislative matters of interest to an electric utility as such matters arise

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013

My Commission Expires: 8/14/14



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed
[ ] Profit / \$250.00
[X] Non-Profit / \$50.00

[X] ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] AMENDMENT

Property Casualty Insurers

(a) Registrant's Name Association of America (PCI) (b) Daytime Phone Number 847-297-7800

(c) Permanent Address 8700 West Bryn Mawr Ave., Ste 1200S, Chicago, IL 60631
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address micaela.isler@pciaa.net

Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy (b) Name

Address 4410 Massachusetts Ave., NW #150 Address
(Street Address) (Street Address)
Washington, DC 20016 (City, State, Zip Code) (City, State, Zip Code)

[ ] Daytime Phone Number 202-625-1787 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.
If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

Terms of Compensation: (a) \$2,583 mo. retainer (Salary) (b) 1/1/13-12/31/13 (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

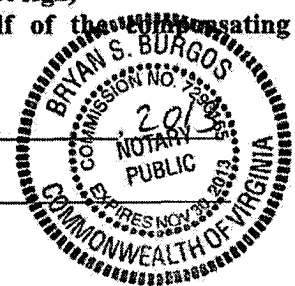
Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space
needed. Any and all matters pertaining to property & casualty insurance, including, but
not limited to workers compensation, medical issues and highways.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are,
to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating
registrant.

Subscribed and sworn to before me on this 7th day of January
Notary Public



My Commission Expires: 11/30/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

ORIGINAL

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Non-Profit X For-Profit

Filing Fee Enclosed \$250.00

AMENDMENT

\$50.00

- 1. (a) Registrant's Name Provident Group - Howard Properties LLC (b) Daytime Phone Number (225) 766-3977
(c) Permanent Address 5565 Bankers Avenue Baton Rouge, LA 70808
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address dohicks@provident.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

- (a) Name Eve Corbin, Arent Fox LLP (b) Name Richard Newman, Arent Fox LLP
Address 1717 K Street, N.W. Address 1717 K Street, N.W.
Washington, DC 20036 Washington, DC 20036
Daytime Phone Number (202) 828-3432 Daytime Phone Number (202) 857-6170

If more space is needed, check box and attach a Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

- (a) Name N/A (b) Daytime Phone Number N/A
(c) Address N/A
(d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby.

Public Financing.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Steve E. Hicks
President and CEO of the sole member

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11th day of January, 2013.

Notary Public signature

My Commission Expires: at death

LA 9454

'13 JAN 15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

[X] ORIGINAL

[X] Profit / \$250.00

[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

[ ] Non-Profit / \$50.00

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787
(c) Permanent Address 4410 Massachusetts Ave., NW #150 Wash., DC 20016
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Kevin Wrege (b) Name
Address 3812 Fordham Rd., NW Washington, DC 20016

Daytime Phone Number 202-253-4929 or 202-625-1787
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name Aetna Insurance Company (b) Daytime Phone Number 301-873-2150/410-401-9553
(c) Address 4401 Gregg Rd., Brookville, MD 20833
(d) Nature of Business Health insurance company

4. Terms of Compensation: (a) \$4,000/monthly retainer (b) 1/1/13-12/31/12

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Health insurance, health maintenance organization and health care issues.

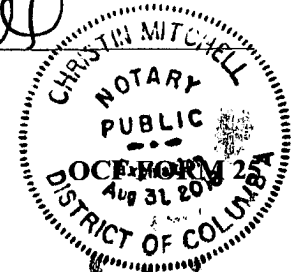
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.

Notary Public signature and name

My Commission Expires: August 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

Profit / \$250.00

Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787  
(c) Permanent Address 4410 Massachusetts Ave., NW #150 Wash., DC 20016  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege (b) Name \_\_\_\_\_  
Address 3812 Fordham Rd., NW Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20016 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-253-4929 or 202-625-1787 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Crown Insurance Company of DC (b) Daytime Phone Number 202-588-1214  
(c) Address 406 Florida Ave., NW, Wash., DC 20001  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business insurance company

4. Terms of Compensation: (a) \$1,000/monthly retainer(b) 1/1/13-12/31/13  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.  
Domestic auto insurance and general business issues.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.

Christina Mitchell  
Notary Public

My Commission Expires: August 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Year 2013

ORIGINAL  
 AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787  
(c) Permanent Address 4410 Massachusetts Ave., NW #150 Wash., DC 20016  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege (b) Name \_\_\_\_\_  
Address 3812 Fordham Rd., NW Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20016 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-253-4929 or 202-625-1787 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name DC Food Trucks Association, Inc. (b) Daytime Phone Number 202-294-6915  
(c) Address 1451 Belmont St., NW, #214, Washington, DC 20009  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Association of mobile food vendors in the District

4. Terms of Compensation: (a) \$3,000/mo. retainer (b) 6/1/12-ongoing  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Public health, consumer protection and public space issues impacting mobile food

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.  
vendors.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.  
Christina Mitchell  
Notary Public

My Commission Expires: August 31, 2016

Rev. 3/2010





GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2012

Filing Fee Enclosed
[ ] Profit / \$250.00
[X] Non-Profit / \$50.00

[X] ORIGINAL
[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787
(c) Permanent Address 4410 Massachusetts Ave., NW #150 Wash., DC 20016
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Kevin Wrege (b) Name
Address 3812 Fordham Rd., NW Washington, DC 20016

Daytime Phone Number 202-253-4929 or 202-625-1787
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services.

(a) Name NAIFA-Greater Washington & GWAHU (b) Daytime Phone Number 703-532-8778
(c) Address PO Box 5153, Arlington, VA 22205

(d) Nature of Business Professional trade association of ins. agents and financial advisors

4. Terms of Compensation: (a) \$25,000 lump sum retainer (b) 5/19/11-5/19/12

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

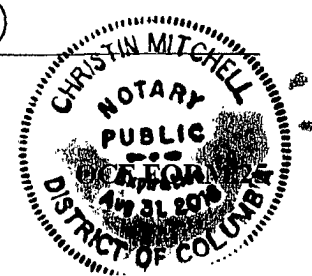
Representing health ins. producers on DC implementation on its health insurance exchange
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2012.

Notary Public signature and name

My Commission Expires: August 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

[X] ORIGINAL
[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed
[ ] Profit / \$250.00
[X] Non-Profit / \$50.00

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787
(c) Permanent Address 4410 Massachusetts Ave., NW #150 Wash., DC 20016
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege (b) Name
Address 3812 Fordham Rd., NW Address
Washington, DC 20016

[ ] Daytime Phone Number 202-253-4929 or 202-625-1787 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

Property Casualty Insurers Association
(a) Name of America (PCIAA) (b) Daytime Phone Number 847-297-7800
(c) Address 2600 S. River Rd. Des Plaines, IL 60018
(d) Nature of Business National property and casualty insurance trade association

4. Terms of Compensation: (a) \$2,583 mo. retainer (b) 1/1/13-12/31/13
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed. Any and all matters pertaining to property and casualty insurance, including,

but not limited to workers compensation, medical issues and highways.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.

Notary Public signature and name

My Commission Expires: August 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

[X] ORIGINAL
[ ] AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

Filing Fee Enclosed
[X] Profit / \$250.00
[ ] Non-Profit / \$50.00

1. (a) Registrant's Name Pulse Issues & Advocacy LLC (b) Daytime Phone Number 202-625-1787
(c) Permanent Address 4410 Massachusetts Ave., NW #150, Wash., DC 20016
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address kwrege@pulseadvocacy.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege (b) Name
Address 3812 Fordham Rd., NW Address
Wash., DC 20016

[ ] Daytime Phone Number 202-625-1787 or 202-253-4929 Daytime Phone Number
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Reed Elsevier Inc. (b) Daytime Phone Number 202-857-4643
(c) Address 1150 18th St., NW, Ste. 600, Wash., DC 20036
(d) Nature of Business Professional information solutions, data and analytics

4. Terms of Compensation: (a) 1,667/mo. retainer (b) 1/1/13-12/31/13
[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.
Advocacy on business issues before the DC Council and executive agencies.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.
Notary Public

My Commission Expires: August 31, 2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit [ ] For-Profit [x]

[x] ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

[ ] AMENDMENT

Filing Fee Enclosed [x] \$250.00 [ ] \$50.00

1. (a) Registrant's Name Purdue Pharma LP (b) Daytime Phone Number 203-588-8121

(c) Permanent Address One Stamford Forum, 201 Tresser Boulevard Stamford, Connecticut 06901-3431
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A
(Street Address) (City, State, Zip Code)

(e) E-Mail Address alan.must@stateandfed.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Brian S. Rosen (b) Name

Address 2365 Kensington Drive Address
(Street Address) (Street Address)
Columbus, Ohio 43221 (City, State, Zip Code) (City, State, Zip Code)

[ ] Daytime Phone Number 614-488-3143 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) Salaried Employee (Salary) (b) Indefinite (Duration of Employment)

[ ] If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceuticals and health care industries

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Alan Must: [Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 19th day of December, 2012.

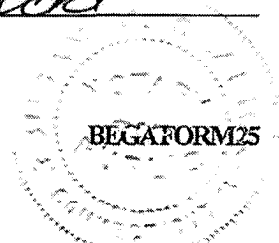
[Signature] Notary Public

My Commission Expires: SUSAN M. SLABICKI
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2013

Rev. 12/2012

rec'd 10/19/12 by [Signature]

003332



**R**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

AMENDMENT

1. (a) Registrant's Name Reed Elsevier Inc. (b) Daytime Phone Number 202-857-4643  
(c) Permanent Address 1150 18th St., NW, Ste. 600, Washington, DC 20036  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address teresa.jennings@lexisnexis.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kevin Wrege c/o Pulse Issues & Advocacy  
Address 4410 Massachusetts Ave., NW, #150 Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20016 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-625-1787 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \$1,667/mo. retainer (b) 1/1/13-12/31/13  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.

Advocacy on business issues before the DC Council and executive agencies.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January 2013

Marika McCall  
Notary Public



MARIKA MCCALL  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires September 14, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF CAMPAIGN FINANCE
WASHINGTON, D.C. 20009

Year 2013

Filing Fee Enclosed

- ORIGINAL
AMENDMENT

LOBBYIST REGISTRATION FORM
(See reverse side for Instructions)

- Profit / \$250.00
Non-Profit / \$50.00

1. (a) Registrant's Name Reed Smith LLP (b) Daytime Phone Number 202-414-9200
(c) Permanent Address 1301 K Street, N.W., Suite 1100 - East Tower, Washington, DC 20005
(d) Temporary Address (while lobbying)
(e) E-Mail Address abolden@reedsmith.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name A. Scott Bolden (b) Name Robert Helland, Jr.
Address 1301 K St., NW, Ste. 1100-East Tower Address 1301 K St., NW, Ste. 1100-East Tower
Washington, D.C. 20005 Washington, D.C. 20005

Daytime Phone Number 202-414-9200 Daytime Phone Number 202-414-9200
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Asurion (b) Daytime Phone Number 816-237-3000
(c) Address 8800 Ward Parkway Kansas City, MO 64114-2762
(d) Nature of Business Portable Electronics Insurance

4. Terms of Compensation: (a) \$5,000/monthly (b) ongoing
If more space is needed, check box and attach OCF Supplemental Sheet.

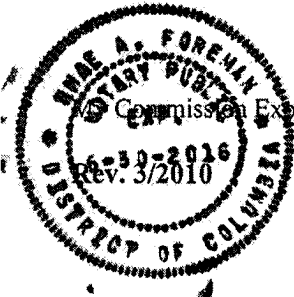
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.
Portable Electronics Insurance

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of JANUARY 2013.

Notary Public signature and title



Commission Expires JUNE 30, 2016
rec'd 1/4/13 by S. Peterson

RHAE A. FOREMAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 30, 2016

OCF FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Resilient Floor Covering Institute (b) Daytime Phone Number 706.882.3928  
(c) Permanent Address 115 Broad Street, Suite 201 LaGrange, GA 30240  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address dean.thompson@rfci.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name \_\_\_\_\_  
Address 575 7th Street, N.W. Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20004 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202.344.4631 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Resilient Floor Covering Institute - Dean Thompson (b) Daytime Phone Number 706.882.3928  
(c) Address 115 Broad Street, Suite 201 LaGrange, GA 30240  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business Non-Profit Trade Association

4. Terms of Compensation: (a) Hourly (b) Ongoing  
(Salary) (Duration of Employment)  
 If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Lobbying regarding the DC Human and Environmental Health Protection Amendment Act of 2009

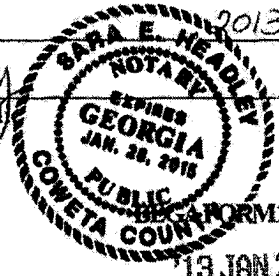
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Dean Thompson  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January, 2013.

Sara E Headley  
Notary Public



My Commission Expires: 1/28/2015

13 JAN 25



**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Forms**

**S - U**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name sanofi-aventis (b) Daytime Phone Number 908-981-4988
(c) Permanent Address 55 Corporate Drive MS 55B-320A Bridgewater, New Jersey 08807
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address joseph.devaney@sanofi.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Kathryn Lavriha (b) Name
Address 111 Stormhaven Court Address
Stevensville, Maryland 21666

Daytime Phone Number 410-643-1829 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) Salaried Employee (b) Indefinite
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the pharmaceuticals and health care industries.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Joseph Devaney:

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th day of January, 2013.

Notary Public

My Commission Expires: 3/9/14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Warner H. Session, Esq. (b) Daytime Phone Number 202-862-4313
(c) Permanent Address 1150 Connecticut Avenue, NW Suite 900 Washington, DC 20036
(d) Temporary Address (while lobbying) (Same as Above)
(e) E-Mail Address whs@warnersession.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name HMS, Inc. (b) Daytime Phone Number 202-448-2020
(c) Address 1333 H Street, NW, Suite 600 West Washington, DC 20005
(d) Nature of Business Government and Commercial Healthcare Program Cost Containment Solutions

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Health Related Legislation and Government Operations and Regulations in the District of Columbia

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Handwritten signature of Warner H. Session

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

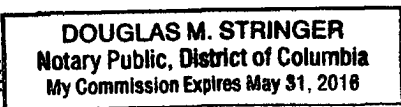
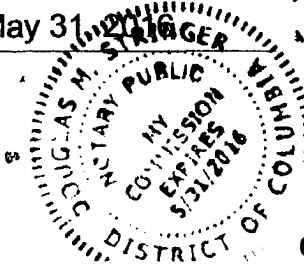
Subscribed and sworn to before me on this 8th day of January, 2013

Handwritten signature of Douglas M. Stringer

Douglas M. Stringer
Notary Public

My Commission Expires: May 31, 2016

Rev. 12/2012



BEGA FORM 25

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

Filing Fee Enclosed  \$250.00

AMENDMENT

\$50.00

- 1. (a) Registrant's Name Shakespeare Theatre (b) Daytime Phone Number (202) 547-3230
- (c) Permanent Address 516 8<sup>th</sup> Street, SE Washington, DC 20003  
(Street Address) (City, State, Zip Code)
- (d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)
- (e) E-Mail Address cjennings@shakespearetheatre.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

- (a) Name Jon Bouker, Arent Fox LLP (b) Name Richard Newman, Arent Fox LLP
- Address 1717 K Street, N.W. Address 1717 K Street, N.W.  
(Street Address) (Street Address)
- Washington, DC 20036 Washington, DC 20036  
(City, State, Zip Code) (City, State, Zip Code)
- Daytime Phone Number (202) 857-6183 Daytime Phone Number (202) 857-6170

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

- (a) Name N/A (b) Daytime Phone Number N/A
- (c) Address N/A  
(Street Address) (City, State, Zip Code)
- (d) Nature of Business N/A

4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Public Financing.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

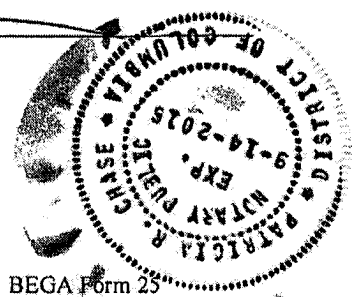
*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).  
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 15<sup>th</sup> day of January, 2013

*[Handwritten Signature]*  
Notary Public

My Commission Expires: 9-14-2016



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2012

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Skyland Holdings LLC (b) Daytime Phone Number (202)465-7050
(c) Permanent Address c/o William C. Smith & Co., J. Matthew Ritz, Vice President, 1100 New Jersey Avenue SE, Suite 1000, Washington DC 20003
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address mritz@wsmith.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Paul A. Tummonds Jr., Goulston & Storrs (b) Name
Address 1999 K Street NW, Suite 500 Address
Washington DC 20006 Washington DC 20006

Daytime Phone Number (202) 721-1157 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) Hourly (b) Indefinite
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Discussion of introduction of street and alley closing and building restriction line removal legislation for the development of the Skyland Town Center.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

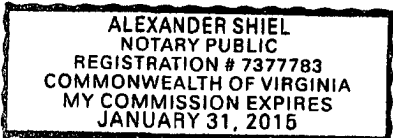
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3 day of January, 2013.

Notary Public signature and name

My Commission Expires: 01/31/2015



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Skyland Holdings, LLC (b) Daytime Phone Number (202)465-7050
(c) Permanent Address c/o William C. Smith & Co., J. Matthew Ritz, Vice President, 1100 New Jersey Avenue SE, Suite 1000, Washington DC 20003
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address mritz@wccsmith.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Paul A. Tummonds Jr., Goulston & Storrs (b) Name
Address 1999 K Street NW, Suite 500 Address
Washington DC 20006 Washington DC 20006

Daytime Phone Number (202)721-1157 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) Hourly (Salary) (b) Indefinite (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Discussion of introduction of street and alley closing and building restriction line removal legislation for the development of the Skyland Town Center.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Handwritten signature of Gary D. Rappaport

Gary D. Rappaport, Manager

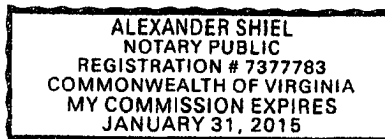
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3 day of January, 2013.

Handwritten signature of Notary Public

My Commission Expires: 01/31/2015



BEGA FORM 25 '13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2012

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name State Farm Mutual Automobile Insurance Company (b) Daytime Phone Number 309-766-7902

(c) Permanent Address One State Farm Plaza, A-3, Bloomington, IL 61710-0001 (Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address michael.boga.czvp@statefarm.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Lawrence A. Richardson, Jr. (b) Name Address 3615 Northpoint Blvd. Baltimore, MD 21222 (Street Address) (City, State, Zip Code)

Daytime Phone Number 410-288-7227 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name State Farm Mutual Automobile Insurance Company (b) Daytime Phone Number 309-766-7902 (c) Address One State Farm Plaza, A-3, Bloomington, IL 61710-0001 (Street Address) (City, State, Zip Code)

(d) Nature of Business Insurance and Financial Services

4. Terms of Compensation: (a) Yes (Salary) (b) Indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Claims Settlement Practices; Underinsured motorist and other automobile and homeowners insurance issues; other issues impacting insurance and financial services

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

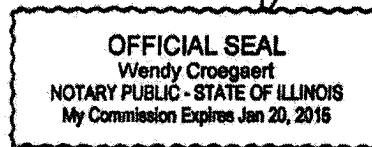
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9 day of January, 2013.

Wendy Croegaert Notary Public '13 JAN 15

My Commission Expires: 1-20-15



**T**



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CAMPAIGN FINANCE  
WASHINGTON, D.C. 20009

Filing Fee Enclosed  
 Profit / \$250.00  
 Non-Profit / \$50.00

Year 2012

ORIGINAL  
 AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

1. (a) Registrant's Name TC MID ATLANTIC DEVELOPMENT IV, INC (b) Daytime Phone Number 202-337-1025  
(c) Permanent Address 1055 THOMAS JEFFERSON ST. NW, SUITE 600, WASHINGTON DC 20007  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name CARMEN GROUP INCORPORATED (b) Name \_\_\_\_\_  
Address 1899 PENNSYLVANIA AVE NW Address \_\_\_\_\_  
(Street Address) (4th Floor) (Street Address)  
WASHINGTON DC 20006 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-785-0500 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) N/A (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach an OCF Supplemental Sheet if additional space is needed.  
McMILLAN RESERVOIR DEVELOPMENT PROJECT

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

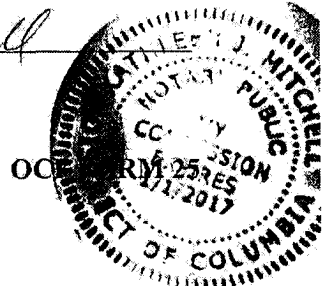
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)  
By: T. Christopher Roth, President  
TC MID ATLANTIC DEVELOPMENT IV, INC

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January, 2013.

Kathleen J. Mitchell  
Notary Public

My Commission Expires: January 1, 2017



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Terrell Place Property LLC (b) Daytime Phone Number (703) 894-6252

(c) Permanent Address 1300 Wilson Boulevard, Suite 910, Arlington, VA 22209

(d) Temporary Address (while lobbying)

(e) E-Mail Address dsjulyan@me.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Julyan & Julyan (b) Name

Address 1100 G Street, NW #655 Address

Washington, DC 20005 Washington, DC 20005

Daytime Phone Number (202) 367-0800 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Terrell Place Property LLC (b) Daytime Phone Number (202) 776-1005

(c) Address 1300 Wilson Boulevard, Suite 910, Arlington, VA 22209

(d) Nature of Business Property acquisition and building management

4. Terms of Compensation: (a) Fee (Salary) (b) Until cancelled (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

B19-517, Verizon Center Graphics and Entertainment Act

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Matthew T. Golden

MATTHEW T. GOLDEN

General Counsel & Managing Director

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January 2013

Signature of Kathleen M. Laubenthal, Notary Public

My Commission Expires: May 28, 2015

KATHLEEN M. LAUBENTHAL Notary Public Commonwealth of Massachusetts My Commission Expires May 28, 2015

BEGA FORM 25 '13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Trial Lawyers Association of Metropolitan Washington, D.C. (b) Daytime Phone Number 202-659-3532

(c) Permanent Address 1919 M Street, NW, Suite 350, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address Mary@ta-dc.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Christina W. Figueras  
Address 1100 Connecticut Ave., Suite 800  
(Street Address)  
Washington, DC 20036  
(City, State, Zip Code)

(b) Name James E. Nathanson  
Address 1625 16th Street, NW, # 501  
(Street Address)  
Washington, DC 20009  
(City, State, Zip Code)

Daytime Phone Number 202-415-6081  
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number 202-387-8426

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable. Non-applicable

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (Salary) (b) \_\_\_\_\_ (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters of interest to personal injury and other trial attorneys

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

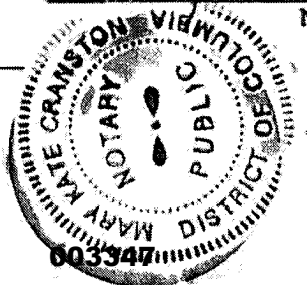
*Mary Zander*  
\_\_\_\_\_  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8<sup>th</sup> day of January, 2013.

*Mary Kate Cranston*  
\_\_\_\_\_  
Notary Public

My Commission Expires: 4/30/2013



Rev. 12/2012

Mary Kate Cranston  
Notary Public, District of Columbia  
My Commission Expires 4/30/2013

BEGA FORM 25

'13 JAN 24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Paul A. Tummonds Jr., Goulston & Storrs (b) Daytime Phone Number (202)721-1157
(c) Permanent Address 1999 K Street NW, Suite 500, Washington DC 20006
(d) Temporary Address (while lobbying) N/A
(e) E-Mail Address plummonds@goulstonstorr.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name N/A (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

Daytime Phone Number

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Skyland Holdings, LLC (b) Daytime Phone Number (202)465-7050
(c) Address c/o William C. Smith & Co., J. Matthew Ritz, Vice President, 1100 New Jersey Avenue SE, Suite 1000, Washington DC 20003
(d) Nature of Business Real Estate

4. Terms of Compensation: (a) Hourly (b) Indefinite
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Discussion of introduction of street and alley closing and building restriction line removal legislation for the development of the Skyland Town Center.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Paul A. Tummonds Jr. (Signature)

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

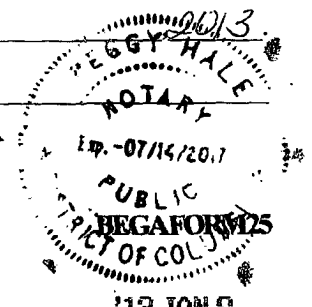
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 3rd day of January

Peggy Hale Notary Public

My Commission Expires:

PEGGY HALE
Notary Public, District of Columbia
My Commission Expires July 14, 2017



U

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name UFCW Local 400 (b) Daytime Phone Number 301-459-3400

(c) Permanent Address 4301 Garden City Dr., Suite 400, Landover, MD 20785

(d) Temporary Address (while lobbying) N/A

(e) E-Mail Address lbailer@local400.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name L. Anthony Perez (b) Name
Address 4301 Garden City Dr., Suite 400 Landover, MD 20785

Daytime Phone Number 301-459-3400
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) Salaried employee (b) Indefinite

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the retail industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 19 day of February, 2013

Notary Public signature

My Commission Expires: 5-16-16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name UFCW Local 400 (b) Daytime Phone Number 301-459-3400

(c) Permanent Address 4301 Garden City Dr., Suite 400, Landover, MD 20785

(d) Temporary Address (while lobbying) N/A

(e) E-Mail Address tbaier@local400.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Avania Group LLC (b) Name

Address 14243 Angelton Terrace, Suite A

Burtonsville, MD 20866

Daytime Phone Number 301-580-9666

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number

(c) Address

(d) Nature of Business

4. Terms of Compensation: (a) Retainer (Salary) (b) Indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the retail industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 19 day of February 2013

[Handwritten Signature: Joanne McLeod-Jobay]
Notary Public

My Commission Expires: 5.16.16

5.16.16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name UnitedHealth Group (b) Daytime Phone Number (702) 242-7191

(c) Permanent Address 701 Pennsylvania Ave., NW, Ste. 200, Washington, DC 20004

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address ann.tinker@uhg.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Jeffrey D. Folks
Address 6095 Marshalee Dr., Ste. 200
Elkridge, MD 21075

(b) Name David Wilmot
Address 1010 Vermont Ave., NW, Ste. 810
Washington, DC 20005

Daytime Phone Number (410) 540-4369

Daytime Phone Number (202) 393-5848

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Non-applicable (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: J Folks: \$25,000/yr pro-rated D Wilmot: \$10,000/monthly retainer
(a) continuous (b) 01/01/2013-12/31/2013

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Healthcare, Health insurance, Medicaid

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant

(or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 9th day of January 2013

Cynthia Clark Housewright
Notary Public

My Commission Expires: 6/14/2017

'13 JAN 10

CYNTHIA CLARK HOUSEWRIGHT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 14, 2017

BEGA FORM 25



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit\_\_ For-Profit X

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name USAA (b) Daytime Phone Number 703-453-2923
(c) Permanent Address PO Box 2941 Reston, VA 20195
(d) Temporary Address (while lobbying) Same as above
(e) E-Mail Address donna.leaman@usaa.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Donna Leaman (b) Name
Address PO Box 2941 Reston, VA 20195
Daytime Phone Number 703-453-2923

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) \$1,915.00 (b) Employee at will

\*Represents 2% of time due(Salary) to other responsibilities (Duration of Employment)

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Insurance & Financial Services

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Handwritten signature of Donna Leaman

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January 2013.

Handwritten signature of Catherine S. Thomas, Notary Public

My Commission Expires: 7/31/13

# 123660

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2012

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name USL WDC H Street, LLC (b) Daytime Phone Number 703-442-0065

(c) Permanent Address 4601 N. Fairfax Drive, #1150, Arlington, VA 22203  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Holland & Knight LLP/Christy Shiker (b) Name \_\_\_\_\_  
Address 800 17th Street, NW, #1100 Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, DC 20006 \_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-955-3000 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name \_\_\_\_\_ (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Alley Closing Legislation

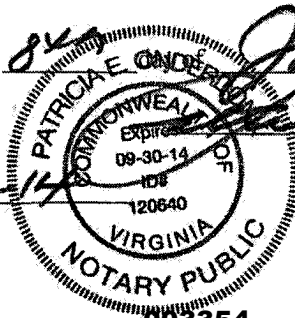
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 8th January 2013



*[Handwritten Signature]*  
Notary Public

My Commission Expires: 9-30-14

**Government of the District of Columbia**  
**Board of Ethics and Government Accountability**  
**Lobbyist Registration Forms**

**V - X**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Ellen Valentino-Benitez (b) Daytime Phone Number 410-693-2226

(c) Permanent Address 30 Pinkney Street, Annapolis, MD 21401  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address evalentino@ellenvalentino.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name n/a (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name 7-Eleven, Inc. (b) Daytime Phone Number 972-828-7804  
(c) Address One Arts Plaza, 1722 Routh Street, Dallas, TX 75202  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Retail Corporation

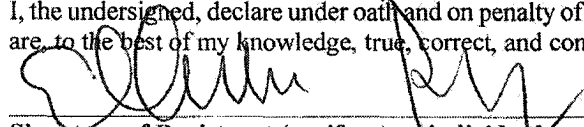
4. Terms of Compensation: (a) \_\_\_\_\_ (b) until terminated  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to the sale of retail products and franchise issues

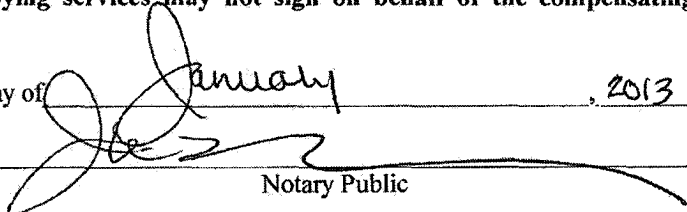
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.



Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January, 2013.

  
Notary Public

My Commission Expires: 2-6-2014

Rev. 12/2012 rec'd by S. Peterson (BEGIA)  
1/7/13

JULIA P FOXWELL  
Notary Public-Maryland  
Dorchester County  
My Commission Expires  
February 06, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Ellen Valentino-Benitez (b) Daytime Phone Number 410-693-2226

(c) Permanent Address 30 Pinkney Street, Annapolis, MD 21401  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address evalentino@ellenvalentino.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name n/a (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American Petroleum Institute (b) Daytime Phone Number 1-202-682-8219  
(c) Address 1220 L Street, NW Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Assn. representing the petroleum industry

4. Terms of Compensation: (a) \$1500 per month (b) until terminated  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to the sale, advertisement and distribution of petroleum products; energy issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct and complete.

Ellen Valentino-Benitez

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January, 2013.

[Signature]  
Notary Public

My Commission Expires: 02-06-2014

Rev. 12/2012 rec'd by: S. Peterson (BEGA)  
1/7/13

JULIA P FOXWELL  
Notary Public-Maryland  
Dorchester County  
My Commission Expires  
February 06, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Ellen Valentino-Benitez (b) Daytime Phone Number 410-693-2226

(c) Permanent Address 30 Pinkney Street, Annapolis, MD 21401
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying)
(Street Address) (City, State, Zip Code)

(e) E-Mail Address evalentino@ellenvalentino.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name n/a (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name MDDC Press Association (b) Daytime Phone Number 1855-721-6332
(c) Address 2000 Capital Drive, Annapolis, MD 21401
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Assn. representing newspapers

4. Terms of Compensation: (a) \$500 per month (b) until terminated
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to the sale, advertisement and distribution of newspapers.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

[Handwritten Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

[Handwritten Signature]
Notary Public

My Commission Expires: 2-06-14

Rev. 12/2012

rec'd by: S. Peterson
1/7/13 (BEGA)

JULIA P FOXWELL
Notary Public-Maryland
Dorchester County
My Commission Expires
February 06, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Ellen Valentino-Benitez (b) Daytime Phone Number 410-693-2226

(c) Permanent Address 30 Pinkney Street, Annapolis, MD 21401  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address evalentino@ellenvalentino.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name n/a (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name MD-DE-DC Beverage Association (b) Daytime Phone Number 410-990-9502  
(c) Address 3 Church Circle, Annapolis, MD 21401  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Trade Assn. representing the soft drink industry

4. Terms of Compensation: (a) \$1000 per month (b) until terminated  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All matters related to the sale, advertisement and distribution of soft drinks.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*Ellen Valentino-Benitez*

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10<sup>th</sup> day of January, 2013.

*[Signature]*  
Notary Public

My Commission Expires: 02-06-14

Rev. 12/2012

rec'd by: S. Peterson  
11/13 (BEGA)

JULIA P. FOXWELL  
Notary Public-Maryland  
Dorchester County  
My Commission Expires  
February 06, 2014

BEGA FORM 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2012

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Bradley van Waus (b) Daytime Phone Number

(c) Permanent Address 8630 Fenton Street, # 1100, Silver Spring, MD 20910

(d) Temporary Address (while lobbying) N/A

(e) E-Mail Address bvanwaus@nationalnursesunited.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name N/A (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name National Nurses United (b) Daytime Phone Number 240-235-2008
(c) Address 8630 Fenton Street, # 1100, Silver Spring, MD 20910

(d) Nature of Business labor union

4. Terms of Compensation: (a) salaried employee (b) full-time employee of NNU
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

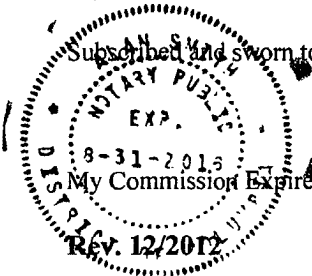
5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

hospital staffing

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 4th day of February, 2013.

Notary Public signature and date 13 FEB 4



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Venable LLP (b) Daytime Phone Number 202.344.4000
(c) Permanent Address 575 7th Street, N.W. Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address wnhall@venable.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name
Address 575 7th Street, N.W. Address
Washington, DC 20004 Washington, DC 20004

Daytime Phone Number 202.344.4631 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American Coatings Association - Tom Graves (b) Daytime Phone Number 202.462.6272
(c) Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005
(d) Nature of Business Non-Profit Trade Association

4. Terms of Compensation: (a) Hourly (Salary) (b) Ongoing (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
D.C. lead hazard legislation

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

William N. Hall

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 14th day of January 2013

Notary Public

My Commission Expires: July 31, 2015

MARTHA M. STOVALL
Notary Public, District of Columbia
My Commission Expires 07-31-2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Venable LLP (b) Daytime Phone Number 202.344.4000
(c) Permanent Address 575 7th Street, N.W. Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address wnhall@venable.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name Claude E. Bailey - Venable LLP
Address 575 7th Street, N.W. Address 575 7th Street, N.W.
Washington, DC 20004 Washington, DC 20004

Daytime Phone Number 202.344.4631 Daytime Phone Number 202.344.8057
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Capitol Outdoor, Inc. - John Polis (b) Daytime Phone Number 202.337.1839
(c) Address 3286 M Street, N.W. Washington, DC 20007
(d) Nature of Business Outside signage company

4. Terms of Compensation: (a) Hourly (b) Ongoing
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed. DC signage issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
William N. Hall

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 24th day of January 2013

Notary Public Signature

My Commission Expires: July 31, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Venable LLP (b) Daytime Phone Number 202.344.4000
(c) Permanent Address 575 7th Street, N.W. Washington, DC 20004
(d) Temporary Address (while lobbying)
(e) E-Mail Address wnhall@venable.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name William N. Hall - Venable LLP (b) Name
Address 575 7th Street, N.W. Address
Washington, DC 20004 Washington, DC 20004

Daytime Phone Number 202.344.4631 Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Resilient Floor Covering Institute - Dean Thompson (b) Daytime Phone Number 706.882.3928
(c) Address 115 Broad Street, Suite 201 LaGrange, GA 30240
(d) Nature of Business Non-profit Trade Association

4. Terms of Compensation: (a) Hourly (b) Ongoing
(Salary) (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

DC human and environmental health protection issues

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 14th day of January, 2013

Notary Public Signature

My Commission Expires: July 31, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Venable LLP (b) Daytime Phone Number (202) 344-4000

(c) Permanent Address 575 7th Street, N.W. Washington, DC 20004

(d) Temporary Address (while lobbying)

(e) E-Mail Address wnhall@venable.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name William N. Hall - Venable LLP (b) Name

Address 575 7th Street, N.W. Address

Washington, DC 20004 (City, State, Zip Code)

Daytime Phone Number (202) 344-4631 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name The National Council to Prevent Delinquency (b) Daytime Phone Number (202) 462-6272

(c) Address 1500 Rhode Island Avenue, N.W. Washington, DC 20005

(d) Nature of Business Non-Profit Organization

4. Terms of Compensation: (a) Hourly (Salary) (b) Ongoing (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

William N. Hall

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 25th day of January 2013

Martha M. Stovall

Notary Public

My Commission Expires: July 31, 2015

MARTHA M. STOVALL
Notary Public, District of Columbia
My Commission Expires July 31, 2015

BEGAFORM25

Rev. 12/2012

'13 JAN 25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Venable LLP (b) Daytime Phone Number 202.344.4000
(c) Permanent Address 575 7th Street, N.W. Washington, DC 20004

(d) Temporary Address (while lobbying)
(e) E-Mail Address wnhall@venable.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name William N. Hall - Venable LLP (b) Name Claude E. Bailey - Venable LLP
Address 575 7th Street, N.W. Address 575 7th Street, N.W.
Washington, DC 20004 Washington, DC 20004

Daytime Phone Number 202.344.4631 Daytime Phone Number 202.344.8057
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Monumental Sports & Entertainment - Randall J. Boe (b) Daytime Phone Number 202.292.1980
(c) Address 601 F Street, N.W. Washington, DC 20004

(d) Nature of Business Sports Entertainment

4. Terms of Compensation: (a) Hourly (b) Ongoing
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

DC signage issues and Verizon Center Graphics and Entertainment Act of 2011

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of William N. Hall

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 24th day of January 2013

Signature of Martha M. Stovall
Notary Public

My Commission Expires: July 31, 2015

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Verizon Washington, D.C. Inc. (b) Daytime Phone Number 202-515-2447

(c) Permanent Address 1300 I Street, N.W., Ste. 400W, Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address Joseph.L.Askew.Jr@verizon.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Joseph L. Askew, Jr. (b) Name \_\_\_\_\_  
Address 1300 I Street, N.W., Ste. 400W Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, D.C. 20005 (City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number 202-515-2447 Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) Prorated Salary (b) On going  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative matters and administrative decisions which impact directly or indirectly on Verizon Washington, D.C., Inc.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

*[Handwritten Signature]*

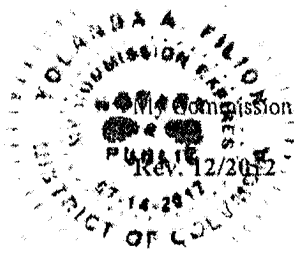
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 22 day of January 2013

*[Handwritten Signature]*  
Notary Public

My Commission Expires: July 14, 2017



BEGA FORM 25

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W

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Wal-Mart Stores, Inc. (b) Daytime Phone Number 479-204-8618  
(c) Permanent Address 702 SW 8th Street Bentonville, Arkansas 72716  
(Street Address) (City, State, Zip Code)  
(d) Temporary Address (while lobbying) N/A  
(Street Address) (City, State, Zip Code)  
(e) E-Mail Address gerard.dehrmann@stateandfed.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Harmon & Wilmot, LLP (b) Name See Attached OCF Supplement Form 22  
Address 1455 Pennsylvania Avenue, NW Address \_\_\_\_\_  
(Street Address) (Street Address)  
Washington, D.C. 20004 (City, State, Zip Code)

Daytime Phone Number 202-393-5848 Daytime Phone Number \_\_\_\_\_  
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name N/A (b) Daytime Phone Number \_\_\_\_\_  
(c) Address \_\_\_\_\_  
(Street Address) (City, State, Zip Code)  
(d) Nature of Business \_\_\_\_\_

4. Terms of Compensation: (a) Retainer (b) Annual  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the retail industry

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Gerard Dehrmann: [Signature]

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 21<sup>st</sup> day of December

[Signature]  
Notary Public

My Commission Expires: 7.19.2021

Rev. 12/2012 rec'd 12/21/12  
by: S. Peterson



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

ORIGINAL

AMENDMENT

LOBBYIST REGISTRATION FORM  
(See reverse side for Instructions)

Non-Profit  For-Profit

Filing Fee Enclosed  \$250.00  
 \$50.00

- 1. (a) Registrant's Name Washington Drama Society, Inc., d/b/a Arena Stage (b) Daytime Phone Number (202) 554-9066
- (c) Permanent Address 1101 6<sup>th</sup> Street, SW Washington, DC 20024  
(Street Address) (City, State, Zip Code)
- (d) Temporary Address (while lobbying) 2001 Jefferson Davis Highway, Suite 701, Arlington, VA 22202  
(Street Address) (City, State, Zip Code)
- (e) E-Mail Address durquhart@arenastage.org

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

- (a) Name Richard A. Newman, Arent Fox LLP (b) Name Jon Bouker, Arent Fox LLP
- Address 1717 K Street, NW Address 1717 K Street, NW  
(Street Address) (Street Address)
- Washington, DC 20036 Washington, DC 20036  
(City, State, Zip Code) (City, State, Zip Code)
- Daytime Phone Number (202) 857-6170 Daytime Phone Number (202) 857-6183

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have a contract to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

- (a) Name N/A (b) Daytime Phone Number N/A
- (c) Address N/A (City, State, Zip Code)   
(Street Address)
- (d) Nature of Business N/A

- 4. Terms of Compensation: a) N/A (Salary) (b) N/A (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Public finance.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

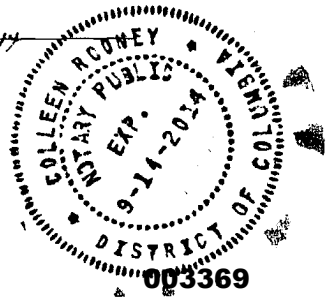
[Signature]  
Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign).

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013.

[Signature]  
Notary Public

My Commission Expires: 09/14/2014



COLLEEN ROONEY  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires September 14, 2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit \_\_\_ For-Profit \_\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Washington Gas (continued.. see attached ) (b) Daytime Phone Number

(c) Permanent Address (Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) (Street Address) (City, State, Zip Code)

(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Robert Glidewell (b) Name

Address 101 Constitution Avenue, NW Address (Street Address)

Washington, DC 20080 (City, State, Zip Code)

Daytime Phone Number 202-624-6451 Daytime Phone Number

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name (b) Daytime Phone Number

(c) Address (Street Address) (City, State, Zip Code)

(d) Nature of Business

4. Terms of Compensation: (a) (Salary) (b) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 10th day of January, 2013.

Michelle Brown Notary Public

My Commission Expires: MICHELLE BROWN NOTARY PUBLIC DISTRICT OF COLUMBIA My Commission Expires January 31, 2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Washington Parking Association (b) Daytime Phone Number (202) 296-1550
(c) Permanent Address 1200 29th Street, NW Washington, DC 20007
(d) Temporary Address (while lobbying)
(e) E-Mail Address info@washingtonparkingassociation.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David Julyan (b) Name
Address 1100 G Street, NW #655 Washington, DC 20005
Daytime Phone Number (202) 367-0800

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Washington Parking Association (b) Daytime Phone Number
(c) Address 1200 29th Street, NW Washington, DC 20007
(d) Nature of Business Parking Facility Management

4. Terms of Compensation: (a) Fee (b) Until cancelled
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative and Administrative proposals that relate to parking

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January, 2013.

JOANNE D. LEACH
Notary Public, District of Columbia
My Commission Expires Oct 31, 2016

Joanne D. Leach
Notary Public

My Commission Expires:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit X For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Washington Parking Association (b) Daytime Phone Number (202) 296-1550
(c) Permanent Address 1200 29th Street, NW Washington, DC 20007
(d) Temporary Address (while lobbying)
(e) E-Mail Address info@washingtonparkingassociation.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David Julyan (b) Name
Address 1100 G Street, NW #655 Washington, DC 20005
Daytime Phone Number (202) 367-0800

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Washington Parking Association (b) Daytime Phone Number
(c) Address 1200 29th Street, NW Washington, DC 20007
(d) Nature of Business Parking Facility Management

4. Terms of Compensation: (a) Fee (Salary) (b) Until cancelled (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Legislative and Administrative proposals that relate to parking

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January, 2013.

Notary Public signature and name Ritika Bhatia

My Commission Expires: 07/31/16



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Non-Profit  For-Profit

Year 2013

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name The Washington Post (b) Daytime Phone Number 202-334-6000

(c) Permanent Address 1150 15<sup>th</sup> Street, N.W. (Street Address) Washington, DC 20071 (City, State, Zip Code)

(d) Temporary Address (while lobbying) Not applicable (Street Address) (City, State, Zip Code)

(e) E-Mail Address belayne@washpost.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name Eric Lieberman, VP's Counsel

Address 1150 15<sup>th</sup> Street, N.W. (Street Address)

Washington, DC 20071 (City, State, Zip Code)

(b) Name James McLaughlin, Assoc Counsel

Address 1150 15<sup>th</sup> Street, N.W. (Street Address)

Washington, DC 20071 (City, State, Zip Code)

Daytime Phone Number 202-334-6017

Daytime Phone Number 202-334-7988

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Not applicable

(b) Daytime Phone Number \_\_\_\_\_

(c) Address \_\_\_\_\_ (Street Address) (City, State, Zip Code)

(d) Nature of Business Newspaper publishing

4. Terms of Compensation: (a) Not applicable (Salary)

(b) \_\_\_\_\_ (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

Matters affecting the newspaper business

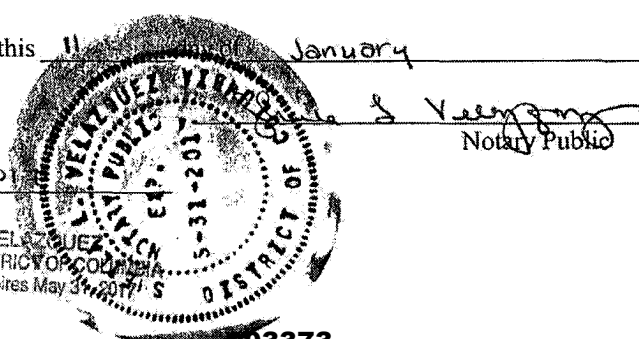
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Eric Lieberman, VP/Counsel

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 11 January, 2013.



My Commission Expires: 5.31.2015

Sheila L. Velazquez  
Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Robert M. Willis, Esquire (b) Daytime Phone Number (202) 434-8763
(c) Permanent Address 1200 G Street, NW, Suite 800, Washington, DC 20005
(d) Temporary Address (while lobbying)
(e) E-Mail Address

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AFLAC (b) Daytime Phone Number (706) 323-3431
(c) Address 1932 Wynnton Road, Columbus, GA 31999
(d) Nature of Business INSURANCE

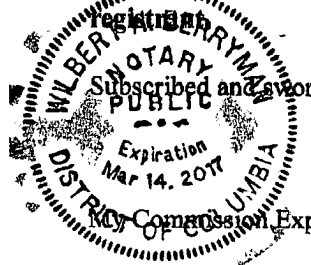
4. Terms of Compensation: (a) Retainer (Salary) (b) Annual - Independent Contractor (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Insurance legislative and regulatory matters

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Robert M. Willis

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 4 day of January, 2013.

Notary Public Signature

My Commission Expires March 14, 2017

rec'd by: S. Peterson on 1/7/13 (BEGA) 003374

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Year 2013

WASHINGTON, D.C. 20001

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name Robert M. Willis, Esquire (b) Daytime Phone Number (202) 434-8763

(c) Permanent Address 1200 G Street, NW, Suite B00, Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address \_\_\_\_\_

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)

\_\_\_\_\_ (City, State, Zip Code) \_\_\_\_\_ (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name American International Group, Inc. (b) Daytime Phone Number (212) 770-3583

(c) Address 70 Pink Street, New York, NY 10270  
(Street Address) (City, State, Zip Code)

(d) Nature of Business INSURANCE

4. Terms of Compensation: (a) Retainer (b) Annual - Independent Contractor  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

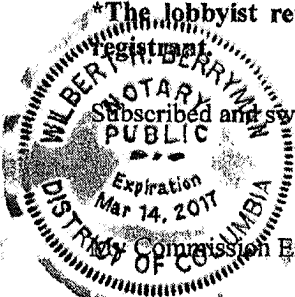
Insurance legislative and regulatory matters

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Robert M. Willis

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.



Subscribed and sworn to before me on this 4 day of JANUARY, 2013.

Wilbert H. Berryman

My Commission Expires March 14, 2017

Notary Public

Rec'd by: S. Peterson (BEGA)  
1/7/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, D.C. 20004

(d) Temporary Address (while lobbying)

(e) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name (b) Name
Address (Street Address)
(City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name Anheuser Busch (b) Daytime Phone Number (202)-293-9494
(c) Address 1401 Eye Street, NW Street, NW, Suite 200, Washington, DC 20005

(d) Nature of Business Beer Manufacturer - Supplier

4. Terms of Compensation: (a) Monthly Retainer (Salary) (b) Indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Beer Manufacturing, Supply and Distribution Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)
\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

Notary Public signature

My Commission Expires: 10/3/2016

'13 JAN 9



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM  
(See next page for instructions)

Filing Fee Enclosed  \$250.00  
 \$50.00

AMENDMENT

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, D.C. 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name AT&T, Inc. (b) Daytime Phone Number (202)-463-4119

(c) Address 1133 21st Street, NW Street, NW, Room 900, Washington, DC 20036  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Telecommunications

4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Telecommunications Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

Notary Public

My Commission Expires: 10/3/2016

'13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit\_\_ For-Profit\_\_

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20004

(d) Temporary Address (while lobbying)

(e) E-Mail Address dwwdct@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name District of Columbia Association of Health Plans (DCAHP) (b) Daytime Phone Number 202-280-6386

(c) Address 1455 Pennsylvania Avenue, NW, 400, Washington, DC 20004

(d) Nature of Business Health Insurance

4. Terms of Compensation: (a) Monthly Retainer (Salary) (b) Indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013

Notary Public signature

My Commission Expires: 10/31/2016

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20004

(d) Temporary Address (while lobbying)

(e) E-Mail Address dwwdct@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name (b) Name
Address (Street Address) Address (Street Address)
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name District of Columbia Association of Health Plans (DCAHP) (b) Daytime Phone Number 202-280-6386
(c) Address 1455 Pennsylvania Avenue, NW, 400, Washington, DC 20004

(d) Nature of Business Health Insurance

4. Terms of Compensation: (a) Monthly Retainer (Salary) (b) Indefinite (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

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Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4th day of January, 2013

My Commission Expires: 10/31/2016

Marcia A. Good
Notary Public

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

Filing Fee Enclosed  \$250.00  
 \$50.00

AMENDMENT

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, D.C. 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Pharmaceutical Research and Manufacturers of America (PHRMA) (b) Daytime Phone Number (518)-449-5370  
(c) Address 950 F Street, NW Street, NW, Suite 300, Washington, DC 20004  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Pharmaceutical Research and Manufacturing - Trade Association

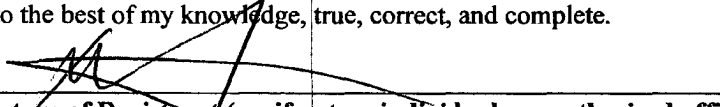
4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Pharmaceutical Research and Manufacturing Industry.

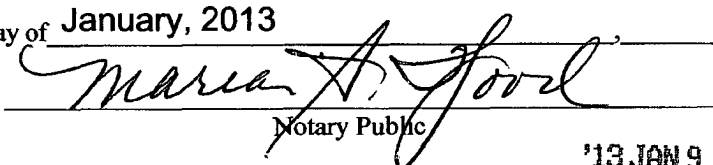
I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.



Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

  
Notary Public

My Commission Expires: Oct. 3, 2016

'13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Non-Profit\_\_ For-Profit\_\_

Year 2013

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, D.C. 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)  
\_\_\_\_\_  
(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name United HealthCare, Inc. (b) Daytime Phone Number (202)-218-7870  
(c) Address 1225 Eye Street, NW Street, NW, Suite 510, Washington, DC 20005  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Health Insurance

4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Health Insurance Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

Notary Public

'13 JAN 9

My Commission Expires: 10/3/2016

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
WASHINGTON, D.C. 20001

Year 2013

Non-Profit  For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM

(See next page for instructions)

AMENDMENT

Filing Fee Enclosed  \$250.00  
 \$50.00

1. (a) Registrant's Name David W. Wilmot (b) Daytime Phone Number 202-250-4958

(c) Permanent Address 1455 Pennsylvania Avenue, NW., Suite 400, Washington, D.C. 20004  
(Street Address) (City, State, Zip Code)

(d) Temporary Address (while lobbying) \_\_\_\_\_  
(Street Address) (City, State, Zip Code)

(e) E-Mail Address dwwdc1@gmail.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf. If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name \_\_\_\_\_ (b) Name \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_  
(Street Address) (Street Address)

(City, State, Zip Code) (City, State, Zip Code)

Daytime Phone Number \_\_\_\_\_ Daytime Phone Number \_\_\_\_\_  
 If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services. If you do not contract to provide lobbying services, state non-applicable.

(a) Name Wal-Mart Stores, Inc. (b) Daytime Phone Number (202)-434-0716

(c) Address 701 8th Street, NW, Suite 200, Washington, DC 20004  
(Street Address) (City, State, Zip Code)

(d) Nature of Business Retail Stores

4. Terms of Compensation: (a) Monthly Retainer (b) Indefinite  
(Salary) (Duration of Employment)

If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

All Legislative, policy and regulatory matters pertaining to and of interest to the Retail Store Industry.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 4 day of January, 2013

Mary A. Ford  
Notary Public

My Commission Expires: Oct. 3, 2016

'13 JAN 9

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Xerox Business Services, LLC and its Affiliates (b) Daytime Phone Number (202) 776-1005
(c) Permanent Address 1800 M Street, NW North Tower, Suite 700, Washington, DC 20036
(d) Temporary Address (while lobbying) Same as above
(e) E-Mail Address tanya.donally@xerox.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.

(a) Name Max Brown
Address 718 7th Street, NW Suite 300
Washington, DC 20001

(b) Name David Julyan
Address 1100 G Street, NW Suite 655
Washington, DC 20005

Daytime Phone Number (202) 681-6642 Daytime Phone Number (202) 367-0800
If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.

(a) Name N/A (b) Daytime Phone Number
(c) Address
(d) Nature of Business

4. Terms of Compensation: (a) varies (Salary) (b) varies (Duration of Employment)
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.

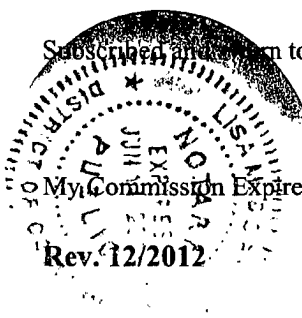
Business process outsourcing; parking and transportation issues; parking meter contract; IT/computers/system integration.

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January, 2013.



LISAM. DORN
Notary Public of District of Columbia
My Commission Expires:
Rec'd by: S. Peterson
(BEGA) 118113
003383

**X**



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
WASHINGTON, D.C. 20001

Year 2013

Non-Profit For-Profit

ORIGINAL

LOBBYIST REGISTRATION FORM
(See next page for instructions)

AMENDMENT

Filing Fee Enclosed \$250.00 \$50.00

1. (a) Registrant's Name Xerox Business Services, LLC (b) Daytime Phone Number (202) 776-1005
(c) Permanent Address 1800 M Street, NW, North Tower, 7th Floor Washington, DC 20036
(d) Temporary Address (while lobbying)
(e) E-Mail Address info@washingtonparkingassociation.com

2. Lobbyist(s) Working for Registrant: List the full name of each in-house person employed and each individual retained by you to lobby on your behalf.
If you do not employ an in-house person or retain an individual to lobby, state non-applicable.

(a) Name David Julyan (b) Name
Address 1100 G Street, NW #655 Washington, DC 20005
Daytime Phone Number (202) 367-0800

If more space is needed, check box and attach OCF Supplemental Sheet.

3. Person Compensating Registrant: List the full name of each client with whom you have an agreement for compensation to provide lobbying services.
If you do not contract to provide lobbying services, state non-applicable.

(a) Name Xerox Business Services, LLC (b) Daytime Phone Number (202) 776-1005
(c) Address 1800 M Street, NW, North Tower, 7th Floor Washington, DC 20036
(d) Nature of Business Business processing, Outsourcing, and IT Services

4. Terms of Compensation: (a) Fee (b) Until cancelled
If more space is needed, check box and attach OCF Supplemental Sheet.

5. Identify each matter by subject and formal designation on which the lobbyist/registrant expects to lobby. Attach a Supplemental Sheet if additional space is needed.
Business processing, Outsourcing, and IT Services

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this Lobbyist Registration Form are, to the best of my knowledge, true, correct, and complete.

Signature of Registrant (or, if not an individual, an authorized officer or agent\* of registrant must sign)

\*The lobbyist retained by contract to provide lobbying services may not sign on behalf of the compensating registrant.

Subscribed and sworn to before me on this 7th day of January, 2013.

JOANNE D. LEACH
Notary Public, District of Columbia
My Commission Expires Oct 31, 2015

Joanne D. Leach
Notary Public

**District of Columbia REGISTER – March 8, 2013 – Vol. 60 - No. 11    002613 – 003385**