



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council schedules public hearings on the Fiscal Year 2014 Proposed Budget and Financial Plan
- DC Council schedules a public roundtable on Bill 20-3, Comprehensive Campaign Finance Reform Amendment Act of 2013
- Department of Health proposes guidelines for regulating ambulance services in the District
- Department of Health announces funding availability for the FY 2013 Preventive Health and Health Services Block Grant
- Department of Health announces open period for submitting letters of intent to apply for a medical marijuana dispensary registration
- Office of the Deputy Mayor for Planning and Economic Development issues the 2013 Maximum Rent and Purchase Price Schedule

DISTRICT OF COLUMBIA REGISTER

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The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-332

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2012

To declare December 1, 2012 as “World AIDS Day” in the District of Columbia in order to raise awareness of the continued fight to combat HIV/AIDS in the District of Columbia and worldwide.

WHEREAS, according to the Centers for Disease Control and Prevention (“CDC”) an estimated 50,000 Americans are newly infected with HIV each year;

WHEREAS, approximately 1.2 million Americans are currently living with HIV infection;

WHEREAS, the CDC estimates that one in 5 of those infected do not know they are HIV-positive and may be engaging in behaviors that increase their risk of transmitting HIV;

WHEREAS, African-Americans are disproportionately affected by HIV, making up only 14% of the population, but nearly half (44%) of all new infections;

WHEREAS, in 2009 Hispanics/Latinos comprised 15% of the population, but accounted for 20% of new HIV infections;

WHEREAS, there are currently more than 34 million individuals living with HIV worldwide;

WHEREAS, the District of Columbia Department of Health’s HIV/AIDS, Hepatitis, Sexually Transmitted Disease, and Tuberculosis Epidemiology Annual Report of 2011 shows that in 2010 there were 14,465 District residents living with HIV/AIDS, or 2.7% of the population;

WHEREAS, 92.4% of District women infected with HIV are black, and 75.4% of District residents living with HIV are black;

WHEREAS, in the District of Columbia, residents over the age of 40 represent the highest proportions of those currently living with HIV, with 6.6% of residents 40 through 49

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years of age and 5.5% of residents 50 through 59 years of age currently living with HIV;

WHEREAS, in 2010 there were 477 newly diagnosed AIDS cases and 66 deaths from HIV-related causes in the District, down from 700 and 238 respectively in 2006;

WHEREAS, in 2010 there were, for the second year in a row, zero reported mother-to-child transmissions;

WHEREAS, HIV cases from IV drug use are down 72% since 2007, due largely to the expansion of the District's needle exchange program;

WHEREAS, the District of Columbia is committed to combating this epidemic through a variety of programs, including free HIV testing, the AIDS Drug Assistance Program, counseling, funding for medical care, and a variety of other initiatives;

WHEREAS, World AIDS Day 2012 is a global crusade to raise awareness, increase access to testing and treatment, and bring the world together through a number of events each designed to combat the epidemic;

WHEREAS, the District of Columbia hosted the AIDS 2012 Conference last July; and

WHEREAS, recognizing World AIDS Day reaffirms the District's commitment to combating this epidemic both locally and globally.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "World AIDS Day in the District of Columbia Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia hereby declares December 1, 2012 as "World AIDS Day" in the District of Columbia and supports the ongoing collaborative efforts of the District of Columbia government, health care providers, and community-based organizations to fight this epidemic.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2012

To recognize and honor Lawrence O. Yates for his outstanding service to the government and citizens of the District of Columbia.

WHEREAS, Lawrence O. Yates received a Master of Social Work degree from Howard University’s School of Social Work in 1975;

WHEREAS, Mr. Yates is a Licensed Independent Clinical Social Worker in the District of Columbia;

WHEREAS, Mr. Yates served as a Department of Human Resources Clinical Social Worker from 1979 to 1995, where he was responsible for patient assessment and discharge planning in the District of Columbia’s Neighborhood Health Clinics;

WHEREAS, he facilitated coordination of patient services with the Department of Mental Health and the District of Columbia Court System;

WHEREAS, Mr. Yates served as a District of Columbia Health and Hospital Public Benefit Corporation, Community and School of Health Program Clinical Social Worker from 1996 to 2000 and was responsible for family-centered social services;

WHEREAS, he was an active participant in the proposal for the Project Real teen pregnancy prevention program and case manager for high-risk patients;

WHEREAS, Mr. Yates served as an Independent Clinical Social Worker with the Department of Health and was responsible for the inspection of human service facilities, including Community Residence Facilities, Child Placing Agencies, and Home Care Agencies;

WHEREAS, he ensured compliance over health care facilities as it pertained to federal and District of Columbia legal mandates;

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WHEREAS, Mr. Yates served as a licensed Lead Risk Assessor in the District of Columbia and was responsible for the regulatory inspection of environments to ensure the health and safety of District of Columbia residents;

WHEREAS, he is active with the youth community and has served as an Amateur Athletic Union and National Basketball Association Pro-Am Basketball Coach for more than 16 years;

WHEREAS, he is a loving husband and father; and

WHEREAS, Mr. Yates is recognized for his distinguished public service to the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lawrence O. Yates Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia recognizes and honors Lawrence O. Yates for his untiring dedication to the government and citizens of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2012

To recognize and honor the significant contributions to District of Columbia Child Welfare Reform and the many other achievements of Priscilla S. Skillman.

WHEREAS, Priscilla S. Skillman was born in May 1945;

WHEREAS, Priscilla Skillman came to the District of Columbia with a Bachelor of Arts degree, with Distinction, from Pennsylvania State University and received her Juris Doctor degree, with honors, from The George Washington University Law School;

WHEREAS, Priscilla Skillman served as Chief of Staff for Congressman Bob Edgar from December 1974 through December 1978;

WHEREAS, Priscilla Skillman established and operated a general civil law practice from January 1979 through December 1992;

WHEREAS, Priscilla Skillman has served as Assistant Director of the Council for Court Excellence from January 1993 through the present and served as Interim Executive Director from August through December 2003;

WHEREAS, Priscilla Skillman has served as the Board Chair of the Chevy Chase Presbyterian Church Transition Assistance Program, which assists re-entry of formerly incarcerated District of Columbia residents, from 1996 through the present;

WHEREAS, Priscilla Skillman founded and provided support for the DC Child Welfare Leadership Team from 1999 through 2012;

WHEREAS, during Priscilla Skillman’s tenure and under her direction, the Council for Court Excellence fostered local and federal legislation to improve the administration of justice, notably the federal “District of Columbia Family Court Act of 2001”;

ENROLLED ORIGINAL

WHEREAS, during Priscilla Skillman's tenure and under her direction, the Council for Court Excellence has conducted at least 10 separate judicial system studies of the local and federal courts in the District of Columbia, as well as of the related justice agencies of the Executive Branch under the federal and District of Columbia governments.

WHEREAS, Priscilla Skillman's major accomplishments at the Council for Court Excellence include: implementation support of the federal Adoption and Safe Families Act of 1997 (2000); modernization of the DC child welfare system (1998 to 2012); authoring the 3 public reports about the District of Columbia's progress in implementing the Adoption and Safe Families Act (2002, 2004, 2006); directing the publication of District of Columbia Democracy and the Third Branch of Government; publishing the DC Child Abuse and Neglect Practice Manual (2009); authoring the District of Columbia's first plain-English description of the juvenile justice system (2009); and facilitating the distribution of over 250,000 plain-English educational booklets to aid residents in navigating the District of Columbia justice system;

WHEREAS, to promote and advance the administration of justice, Priscilla Skillman has actively engaged and enlisted the support of the diverse communities which comprise the District of Columbia;

WHEREAS, through Priscilla Skillman's efforts, the District of Columbia's child welfare system has made steady improvements to achieve better outcomes for children, their families, and adoptive parents;

WHEREAS, for nearly 20 years Priscilla Skillman has significantly improved the administration of, and access to, justice in the federal and local courts for the residents of the District of Columbia; and

WHEREAS, Priscilla Skillman is retiring from her employment with The Council for Court Excellence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Priscilla S. Skillman Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia recognizes and honors Priscilla S. Skillman for her contributions regarding the system of justice and especially child welfare reform in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon first date in the publication of the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2012

To recognize and honor the many contributions made by the Pullman Porters, and to declare November 29, 2012 to January 6, 2013 as “Pullman Porters Month” in the District of Columbia.

WHEREAS, Arena Stage is producing the world premiere of “Pullman Porter Blues”, written by Cheryl L. West and directed by Lisa Peterson, as a co-production with the Seattle Repertory Theatre;

WHEREAS, the play reveals the true heroes hidden in the lives of 3 generations of Pullman Porters on the Panama Limited bound from Chicago to New Orleans on the night of the historic heavyweight championship fight between Joe Louis and James Braddock; and

WHEREAS, in the 1920’s, the Pullman Company was the largest employer of African-American men; men who were an integral part of American travel for over a century, who played an important role in the great black migration, and who, with A. Phillip Randolph, played a major role in laying the groundwork for the Civil Rights Movement by founding the first black labor union known as the Brotherhood of Sleeping Car Porters.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Pullman Porters Awareness Month Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia declares November 29, 2012 to January 6, 2013 as “Pullman Porters Month” in the District of Columbia and calls upon all residents and visitors to the District of Columbia to honor and celebrate the sacrifices and dignified service of Pullman Porters who settled in the District of Columbia and worked out of the historic Union Station.

Sec. 3. This resolution shall take effect immediately upon first date in the publication of the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-336

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To honor and acknowledge the Springfield Baptist Church’s 73rd year of providing service to the congregation and the community.

WHEREAS, the Springfield Baptist Church was created when Mrs. Cheeter opened her home to a community of worshippers on November 17, 1939, and has served the historic Shaw neighborhood and the Washington, D.C. community for 73 years;

WHEREAS, the Springfield Baptist Church provides a number of ministries to the community and congregation, including its: Outreach Ministry, Training Ministry, Stewardship Ministry, Corporate Worship Ministry, and Music Ministry;

WHEREAS, the church has been and will continue to be a leading congregation creating and implementing ministries that remain relevant to the needs of the community;

WHEREAS, Rev. Dr. Que Hickerson will lead the church in celebrating the 73rd anniversary with a church service on November 18, 2012 with the theme of “Growing and Serving Together in Love”; and

WHEREAS, the Springfield Baptist Church has been a pillar for the community and the lives of its congregants, consistently working for their social and spiritual well-being, since it was founded in 1939.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Springfield Baptist Church 73rd Anniversary Celebration Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia honors the Springfield Baptist Church on its 73rd anniversary and recognizes its efforts to improve the community and provide a place of worship for District residents.

ENROLLED ORIGINAL

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-337

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize Bryce Harper for being named the 2012 National League Rookie of the Year by the Baseball Writers' Association of America on November 12, 2012, and for being the second-youngest player ever to win the National League Rookie of the Year Award.

WHEREAS, Bryce Harper was born on October 16, 1992 in Las Vegas, Nevada;

WHEREAS, in 2010, he was awarded the Golden Spikes Award for being the best amateur baseball player;

WHEREAS, he was selected by the Washington Nationals ("Nationals") with the first overall pick of the 2010 Major League Baseball ("MLB") draft;

WHEREAS, on April 27, 2012, Bryce Harper was called by the Nationals from their Triple-A affiliate, the Syracuse Chiefs;

WHEREAS, on April 28, 2012, Bryce Harper made his MLB debut against the Los Angeles Dodgers and went 1-for-3, with a double and a sacrifice fly;

WHEREAS, Bryce Harper hit his first major league home run against the San Diego Padres on May 14, 2012, which led the Nationals to an 8-5 victory;

WHEREAS, he was named to the roster of the 2012 National League All-Star Team, being the youngest baseball player, at 19-years old, to ever be selected;

WHEREAS, Bryce Harper was named Rookie of the Month for May and September;

WHEREAS, Bryce Harper provided a great amount of spark and energy that helped the Nationals achieve 98 wins, which was the best record in the MLB;

ENROLLED ORIGINAL

WHEREAS, his play helped the Nationals to a National East Division title and to their first postseason appearance since the team moved to Washington;

WHEREAS, he finished the season with a batting average of .270, 22 home runs, 59 RBIs, 18 stolen bases, and he led the team in runs scored and triples;

WHEREAS, on November 12, 2012, at 20 years old, Bryce Harper became the second-youngest player ever to be named the National League Rookie of the Year; and

WHEREAS, Bryce Harper became the first player for the franchise to be named National League Rookie of the Year since Andre Dawson won the award in 1977.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bryce Harper National League Rookie of the Year Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes and honors Bryce Harper and his family for their commitment to the Washington Nationals and to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-338

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize Davey Johnson for being named the 2012 National League Manager of the Year by the Baseball Writers' Association of America, for guiding the Washington Nationals to the best record in Major League Baseball, and for leading a Washington Major League Baseball team to its first postseason since 1933.

WHEREAS, Davey Johnson was born on January 30, 1948 in Orlando, Florida;

WHEREAS, Davey Johnson made his Major League Baseball ("MLB") debut as a player on April 13, 1965 as second baseman for the Baltimore Orioles;

WHEREAS, he was a 4-time All-Star, won 2 World Series, and won 3 Gold Gloves during his 13-year career;

WHEREAS, in 1973, he won the National League Comeback Player of the Year Award;

WHEREAS, in 1984, Davey Johnson accepted his first MLB manager position, with the New York Mets;

WHEREAS, Davey Johnson won his third World Series, but his first World Series title as a manager with the New York Mets in 1986;

WHEREAS, Davey Johnson won the AL Manager of the Year in 1997 while managing the Baltimore Orioles;

WHEREAS, on November 18, 2009, he joined the Washington Nationals ("Nationals") as a senior advisor to general manager Mike Rizzo;

WHEREAS, Davey Johnson was named the 4th Manager in Nationals history on June 26, 2011;

ENROLLED ORIGINAL

WHEREAS, during his first full season as Manager of the Nationals, he led them to a MLB best record of 98-64;

WHEREAS, he led the Nationals to a National East Division title and to their first postseason appearance since the team moved to Washington;

WHEREAS, the 2012 Nationals, which he managed, produced Gold Glove and Silver Slugger Award winner first baseman Adam LaRoche, Silver Slugger Award winner and All-Star shortstop Ian Desmond, Silver Slugger Award winner and All-Star pitcher Stephen Strasburg, All-Star pitcher Gio Gonzalez, and the 2012 National League Rookie of the Year and All-Star outfielder Bryce Harper;

WHEREAS, on November 13, 2012, Davey Johnson was named the National League Manager of the Year;

WHEREAS, this is the second time he has won this prestigious award;

WHEREAS, during his career as a MLB manager, he has a career winning percentage of .564, has led 4 different teams to the postseason, and has won one World Series; and

WHEREAS, Davey Johnson has agreed to come back next season and lead the Nationals to another winning season.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Davey Johnson National League Manager of the Year Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia recognizes and honors Davey Johnson and his family for their commitment to the Washington Nationals and to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-339

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize, honor, and express overwhelming gratitude to Alan Bubes for his commitment to excellence and his numerous contributions to the District of Columbia, to congratulate him on the occasion of his 60th birthday, and to declare November 27, 2012 as “Alan Bubes Day” in the District of Columbia.

WHEREAS, Alan Bubes was born on Thanksgiving Day, November 27th, 1952 in Washington, D.C. to Harriet and Dave Bubes;

WHEREAS, Alan Bubes, the oldest of 4 boys, lived with brothers Ron, Mark, and Ken, and his family on Yuma Street, near grandparents Nat and Ethel Popick;

WHEREAS, Alan Bubes grew up in a family of avid golfers who played at Woodmont Country Club, where the Bubes name was included at every club championship;

WHEREAS, Alan Bubes went to Sidwell Friends, where he played on the basketball team and graduated in 1970, and then went to Georgia Tech University and graduated in 1974;

WHEREAS, Alan Bubes went into the family business, Linens of the Week, with his dad and brothers in the mid 1980’s;

WHEREAS, Alan Bubes married Nancy Taylor in 1989 and they have 3 kids, Nathan, Lizzie, and Andrew; and

WHEREAS, now at 60 years young, Alan is retired.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alan Bubes Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia is proud to recognize, honor, and express its overwhelming gratitude to Alan Bubes on the celebration of his 60th birthday and hereby declares November 27th, 2012 as “Alan Bubes Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare December 10, 2012, as “Washington, D.C. Human Rights Day” in the District of Columbia.

WHEREAS, December 10, 2012, marks the 64th anniversary of the Universal Declaration of Human Rights;

WHEREAS, the United Nations passed resolution A/RES/62/171 proclaiming the year commencing on December 10, 2008 the international Year of Human Rights Learning;

WHEREAS, Washington, D.C., being a Human Rights City, proclaims the year commencing on December 10, 2012 “DC Year of Human Rights Learning” to continue to promote the importance of educating our residents about human rights;

WHEREAS, the District of Columbia Public Schools has partnered with the American Friends Service Committee to create courses that teach our students about human rights values, increase their knowledge and understanding of human rights, and empower them to become educated and engaged citizens;

WHEREAS, Washington, D.C., being a Human Rights City, makes it a model for communities around the world to witness practical ways the human rights framework can make every citizen a partner of sustainable change;

WHEREAS, a Human Rights City is one whose residents and local authorities, through ongoing discussions and creative exchanges of ideas, come to understand that human rights, when widely known as a way of life, assist in identifying the issues and informs the actions in our communities, for meaningful, positive economic and social change; and

WHEREAS, as a Human Rights City, Washington, D.C. was the first to lead other U.S. cities to be declared human rights cities and joined other cities around the world in working to provide leadership and advocacy to secure, protect, and promote human rights for all people.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington, D.C. Human Rights Day Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia declares December 10, 2012 as “Washington, D.C. Human Rights Day” in the District of Columbia and recognizes the year commencing on December 10, 2012 as “Washington, D.C. Year of Human Rights Learning.”

Sec. 3. This resolution shall take effect immediately upon the first date of the publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize the contributions of James Anderson to the community, and to declare November 27, 2012, as “James Anderson Day” in the District of Columbia.

WHEREAS, James Anderson’s 80th birthday is November 27, 2012;

WHEREAS, James Anderson has been a District of Columbia and Ward 8 resident for 48 years;

WHEREAS, James Anderson worked for the United States Department of Commerce for 28 years and retired with 38 years of government experience;

WHEREAS, James Anderson served in the United States Army;

WHEREAS, James Anderson is actively involved with his church, Advancing in Kingdom Living Fellowship Church;

WHEREAS, James Anderson has been married for 55 years; and

WHEREAS, James Anderson will celebrate his 80th birthday on December 2, 2012.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “James Anderson Day Declaration Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes and honors the contributions of James Anderson, and declares November 27, 2012, as “James Anderson Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To posthumously recognize the life and service of the late Bishop James E. Steadman.

WHEREAS, Bishop James E. Steadman served as the Senior Pastor of the Greater Tyson Temple Ministries for over 20 years, and also served as Presiding Prelate of Inner Circle Fellowship Ministries, Inc., located in the District of Columbia;

WHEREAS, Bishop James E. Steadman was born into the ministry of the Tyson Temple Church and remained with that one church all of his life;

WHEREAS, Bishop James E. Steadman was educated in the District of Columbia, graduating from Dunbar Senior High School and matriculating further at Federal City College, the H. Beecher Hicks Sr., Institute of Great Preaching, and the Washington Saturday Bible College;

WHEREAS, Bishop James E. Steadman also attended the First Born Church of the Living God Seminary Training Institute in Waycross, Georgia;

WHEREAS, Bishop James E. Steadman was licensed and ordained by the late Bishop James Potter of the First Born Church of the Living God in 1981;

WHEREAS, Bishop James E. Steadman served faithfully as Assistant Pastor of Tyson Temple Church, which today is the Greater Tyson Temple Ministries, Inc., under the leadership of his grandfather, the late Bishop Joshua Quarles, before becoming Senior Pastor;

WHEREAS, Bishop James E. Steadman was consecrated to the office of Bishop in February 2002;

WHEREAS, Bishop James E. Steadman traveled extensively throughout the United States and Europe ministering to congregations of diverse nationalities;

ENROLLED ORIGINAL

WHEREAS, Bishop James E. Steadman instituted an outreach ministry serving the community through a food pantry, clothes closet, and an adopt a family program, resulting in many generous donations made to the Feed the Hungry program and the 911 Salvation Army Rescue and other assistance to the neighborhood;

WHEREAS, Bishop James E. Steadman represented the faith-based community of the District of Columbia in March 2002 by participating in a green design charrette sponsored by the U.S. Department of Energy, joining with architects, engineers, community liaisons, and governmental officials to establish a health care center to serve the needs of the citizens through the D.C. Developing Families Center;

WHEREAS, Bishop James E. Steadman established the Timothy Training Program to equip leaders for the 21st Century at the Greater Tyson Temple Ministries; and

WHEREAS, Bishop James E. Steadman was the husband of Lady Beverly T. Steadman for over 30 years, and proud father of Tawana Steadman-Venable, the late Kevin, Teneka, and Kendrick Steadman, and grandfather to 3 grandchildren, Cayla, Christian, and Camari Venable.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bishop James E. Steadman Posthumous Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia honors the life and service of the late Bishop James E. Steadman.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize and commend Bruce Baschuk for his service to the District of Columbia and the NoMa neighborhood, and to declare December 6, 2012 as “Bruce Baschuk Day” in the District of Columbia.

WHEREAS, Bruce Baschuk has served as a visionary, developer, and significant actor in the growth of the NoMa neighborhood;

WHEREAS, Bruce Baschuk served as Founder and Chairman of the Board of the NoMa Improvement Association, which later became the NoMa Business Improvement District;

WHEREAS, Bruce Baschuk served in a principal leadership role and advocated on behalf of NoMa for more than 7 years; and

WHEREAS, Bruce Baschuk, was a pivotal force in key neighborhood projects such as the development of 111 K Street, N.E., and attracting National Public Radio to its new headquarters in the historic building at 111 North Capitol Street.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Bruce Baschuk Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes the great contributions of Mr. Bruce Baschuk to the city, and the NoMa neighborhood in particular, and declares December 6, 2012 as “Bruce Baschuk Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize and honor Principal Janeece Docal of Powell Elementary School for her distinguished service to the children and parents of the District of Columbia Public Schools.

WHEREAS, Principal Janeece Docal was a Fulbright-Hays scholar to New Zealand, studying curricular frameworks and reform efforts;

WHEREAS, Principal Docal was the Washington Post Cultural Ambassador and Fulbright Memorial Fund Scholar to Japan;

WHEREAS, Principal Docal joined the District of Columbia Public Schools in 2000 and worked as the Math, Science, Business Academy Coordinator; the English Department Chair; and Assistant Principal at the Columbia Heights Education Campus—Bell Multicultural Senior High School;

WHEREAS, Principal Docal has been the Principal of Powell Elementary School since 2009;

WHEREAS, prior to Principal Docal assuming leadership at Powell, parents had protested the quality of the school and a local survey showed only 50% satisfaction with the school;

WHEREAS, upon assuming leadership, Principal Docal immediately created an entry plan and interviewed staff, parents, community members, and students to determine the best strategy to improve Powell;

WHEREAS, Principal Docal worked with her staff to develop a clear mission statement and action plan and toured the community to introduce herself to parents and engage the community;

WHEREAS; Principal Docal immediately improved the building at Powell, removing 3 U-Haul trucks of junk from the campus and making the facility bright and clean;

ENROLLED ORIGINAL

WHEREAS, at the end of the 2009-2010 school year; Principal Docal’s first year at the school, there was a 14% increase in reading;

WHEREAS, at the end of the 2010-2011 school year, there was a 16% increase in math;

WHEREAS, in the most recent parent survey, 98% of parents would recommend that a friend send his or her child to Powell Elementary School, and 97% of the parents think the school is on the right track for student achievement;

WHEREAS, under the leadership of Principal Docal, Powell Elementary School is in the Rising category for No Child Left Behind and won the "Rising Star" Award as part of the Quality Schools' Initiative from Fight for Children;

WHEREAS, Powell Elementary School is now in the Rising category for student growth; a Flamboyan Foundation Demonstration Site for Family and Student Engagement; as well as a member of the Fight for Children's Quality School's Initiative; and

WHEREAS, Principal Docal exemplifies excellence in educational and community leadership and has a proven track record of success in improving District of Columbia schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Principal Janeece Docal Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia commends and recognizes the distinguished efforts of Principal Janeece Docal to Powell Elementary School and the District of Columbia.

Sec. 3. This resolution shall become effective immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-345

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize and honor the efforts of a dedicated group of community leaders and government employees for the creation of the Central 14th Street Vision Plan and Revitalization Strategy Plan.

WHEREAS, in November, 2009, at the request of the 14th Street Block group, Councilmember Muriel Bowser, joined by Mayor Adrian Fenty, community stakeholders, and District government agencies, participated in a walk-thru along the 14th Street, N.W. corridor from Spring Road to Longfellow Street to begin a strategy for improvements along this section in Ward 4;

WHEREAS, the community identified a number of concerns, including lighting, crosswalk, intersection, stop sign, and other safety improvements; business façade, vacant properties, new business needs, transportation, residential improvements, and other issues preventing economic development and improved quality of life in this area;

WHEREAS, the District's Office of Planning ("OP"), including Gizachew Andargesh, Malaika Abernathy, and Tarek Bolden, led a small area planning process with a variety of stakeholders including Advisory Neighborhood Commission and civic leaders, property owners, business tenants, residents, and District government agencies to determine how best the corridor should be revitalized over the next 5-10 year timeframe;

WHEREAS, this 2½-year process analyzed the market viability of the 14th Street corridor, from Spring Street, N.W., to Longfellow Street, N.W., specifically targeting 3 very distinct commercial nodes;

WHEREAS, the Central 14th Street Vision Plan and Revitalization Strategy Plan ("Plan") provides guidance on land use, zoning, urban design, and connectivity and is intended to direct economic growth along 14th Street, N.W., by improving neighborhood retail choices and amenities;

WHEREAS, the Plan recommends near- and mid-term strategies for revitalization and articulates broad development goals as well as targets key opportunity sites that would be ideal to leverage public and private investment to catalyze development;

ENROLLED ORIGINAL

WHEREAS, the Plan recommends corridor-wide guidance to improve multi-modal connectivity by improving public transportation options, and encourages safe pedestrian and bike connections;

WHEREAS, the community engagement process was quite extensive, with over 50 public meetings having been held, including the development of an Advisory Committee and a Business Committee;

WHEREAS, the following were all active participants and key to the development of the Plan: Community leaders including ANC 4C and 4A Commissioners: Joseph Vaughan, Janet Myers, Steve Leraris, Michael Yates, and Dave Wilson; 14th Street Block Group leaders Fredia Banks and Diann Johnson; Community and Civic representation from the 16th Street Heights Civic Association, Brightwood Community Association, Friends of 16th Street Heights Parks and Crestwood Civic Association and key involvement from Business representatives including, TA Uqdah, Audrey Nwanze, John Wilson, JR Clark, Ed Proctor and other members of the 14th Street Uptown Business Association;

WHEREAS, OP received a grant from ArtPlace America, which produced a series of temporary, catalytic, art, and cultural-based activities that celebrated each of the 3 commercial nodes along 14th Street;

WHEREAS, through the ArtPlace experience, residents and visitors alike were invited to see the corridor as a destination to experience its culturally diverse businesses and unique public realm through art-based activities, just as envisioned in the Plan;

WHEREAS, the ArtPlace Central 14th Street project was recognized by the National Capital Planning Chapter of the American Planning Association as an Outstanding Implemented Project and received an award on November 10, 2012;

WHEREAS, OP held a final public hearing on March 22, 2012 and submitted a Small Area Plan to the Council of the District of Columbia on July 12, 2012;

WHEREAS, the Council held its public hearing on October 22, 2012; and

WHEREAS, the Plan was approved by the Council on November 15, 2012.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Central 14th Street Vision Plan and Revitalization Strategy Plan Recognition Resolution of 2012”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia commends and recognizes the distinguished efforts of the 14th Street Task Force, the Office of Planning, and all of the residents and businesses along 14th Street who participated in making this Plan possible.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-346

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize and honor Malaika K. Abernathy for her outstanding service to the District of Columbia as the Ward 4 Planner in the D.C. Office of Planning.

WHEREAS, Ms. Malaika Abernathy has worked diligently to improve urban planning and community planning in Washington, D.C. since she moved to the area in 2000;

WHEREAS, Ms. Abernathy served as the Transportation Planner for the Metropolitan Washington Council of Governments from 2000 to 2002;

WHEREAS, Malaika Abernathy joined the District of Columbia Office of Planning in July, 2007 and has served as the Ward 4 planner since that time;

WHEREAS, Ms. Abernathy has been instrumental in the revitalization efforts of Ward 4, serving as the Project Manager on 5 Small Area Plans: The Kennedy Street Corridor Revitalization Plan; the Upper Georgia Avenue Land Development Plan; the Riggs Road/South Dakota Avenue Area Development Plan; the Central 14th Vision Plan and Revitalization Strategy; and the Walter Reed Army Medical Center Small Area Plan;

WHEREAS, Ms. Abernathy was Project Manager for the Brightwood Neighborhood Investment Fund and she helped to establish and staff the Kennedy Street Plan Implementation Task Force;

WHEREAS, in 2012, Ms. Abernathy was awarded the Outstanding Implemented Project for Program or Tool and the award for Outstanding Neighborhood or Small Area Plan, both from the National Capitol Area Chapter of the American Planning Association; and

WHEREAS, her favorite quote: “In a world filled with hate, we must still dare to hope. In a world filled with despair, we must dare to believe,” from Michael Jackson is a reflection not only on her work but of her personality.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Malaika K. Abernathy Recognition Resolution of 2012”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia commends and recognizes the distinguished efforts of Malaika Abernathy to Ward 4, the Office of Planning, and the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize the work of Sharon A. Baskerville for her service as Chief Executive Officer of the District of Columbia Primary Care Association for the past 14 years.

WHEREAS, Sharon A. Baskerville has served as Chief Executive Officer of the District of Columbia Primary Care Association for the past 14 years;

WHEREAS, Ms. Baskerville has played a pivotal role in ensuring support for the District of Columbia Primary Care Association from regional and national entities and agencies;

WHEREAS, she has made policy and advocacy a key component of the District of Columbia Primary Care Association mission;

WHEREAS, she has demonstrated her ability to lead by successfully implementing several initiatives at the District of Columbia Primary Care Association;

WHEREAS, she has fought tirelessly in her role as Chair of the Medical Care Advisory Committee to ensure all District residents have access to health insurance coverage;

WHEREAS, Ms. Baskerville created the Medical Homes DC program, in cooperation with District government, to address capital, clinical, and operational needs of community health centers throughout the District;

WHEREAS, she helped create and strengthen the District's Health Professional Loan Repayment program, which recruits and retains qualified health professionals to work in underserved areas of the District;

WHEREAS, she has made the District of Columbia a leader in health information technology by promoting investment in electronic health records at 6 early adopter community health centers, 2 hospital emergency departments, and the DC Regional Extension Center;

WHEREAS, Ms. Baskerville played an integral role in the development of the DC Medical Liability Captive Insurance Company to help further the District of Columbia's goal of providing access to quality health care for all residents;

ENROLLED ORIGINAL

WHEREAS, she graciously offered her time, experience and expertise to support several boards and commissions including the Mayor’s Health Policy Council, the Health Services Reform Commission, the Mayor’s Health Care Task Force, the Mayor’s Commission on HIV/AIDS, and the DC Health Information Exchange Policy Board; and

WHEREAS, during Ms. Baskerville’s tenure, she elevated the regional and national profile of the District of Columbia Primary Care Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sharon A. Baskerville Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia hereby recognizes Sharon A. Baskerville for her steadfast work and unwavering dedication to improving the health and lives of District residents.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

A CEREMONIAL RESOLUTION

19-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize the tireless work of Mr. Frank DeLisi in improving the operations and quality of care delivered at United Medical Center, which offers community services that would be otherwise absent, including highly specialized services for critically injured patients, specialty care, diagnostics, and culturally competent care for people of diverse backgrounds.

WHEREAS, Mr. Frank DeLisi has served United Medical Center (“UMC”) with great professionalism and expertise since joining the hospital in November of 2008;

WHEREAS, Mr. DeLisi has been a tireless advocate for the hospital and the communities that depend on UMC’s services as the only hospital east of the Anacostia River;

WHEREAS, as Chief Executive Officer of UMC, Frank DeLisi engineered the hospital’s turnaround by implementing a strategy of cost containment, business development, and quality improvements;

WHEREAS, Mr. DeLisi is highly regarded and respected by members of the UMC staff and community for his attention to the unique backgrounds and perspectives of all hospital stakeholders;

WHEREAS, Mr. DeLisi’s work has effectively rebuilt community confidence in UMC as evidenced by the significant increases in patient volume and revenues;

WHEREAS, through his years of service, Mr. DeLisi has successfully guided the hospital through significant challenges and consistently demonstrated committed leadership throughout his tenure;

WHEREAS, UMC is a vital part of the District of Columbia’s health care infrastructure that serves a vulnerable population with critically important community-wide health and social services to the uninsured and low-income people;

WHEREAS, Mr. DeLisi’s work has contributed significantly to moving this safety net hospital down the path toward long term sustainability; and

WHEREAS, Mr. DeLisi has conducted himself and served UMC with the utmost integrity.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frank DeLisi Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia hereby recognizes the steadfast work and unwavering dedication to United Medical Center of Mr. Frank DeLisi.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize and honor the “Olender Foundation Awardees for 2013” for their dedicated service to the community, and declares December 5, 2012 as “Olender Foundation Awardees Day” in the District of Columbia.

WHEREAS, for more than 2 decades, the Olender Foundation has recognized and honored citizens of the District of Columbia and the world for their dedicated, heroic, and meritorious service;

WHEREAS, the “Olender Foundation Awardees for 2013” have been selected;

WHEREAS, Alyce Dixon has been selected by the Olender Foundation as the recipient of the America’s Role Model 2013 Award;

WHEREAS, Tatyana McFadden has been selected by the Olender Foundation as the recipient of the Trailblazer 2013 Award; and

WHEREAS, Jim Vance has been selected by the Olender Foundation as the recipient of the Generous Heart Award.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Olender Foundation Awardees for 2013 Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes, honors, salutes, and congratulates the Olender Foundation Awardees for the valuable contribution they have made to the District of Columbia and declares December 5, 2012 as “Olender Foundation Awardees Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon first date in the publication of the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To recognize, honor, and congratulate the Friendship Collegiate Academy's Varsity Football Team as the 2012 D.C. Statewide Athletic Association champion.

WHEREAS, Friendship Collegiate Academy's football program began in 2004 with Aazaar Abdul-Rahim as its first and still only varsity football head coach;

WHEREAS, Friendship Collegiate Academy's football program has grown over the years and today boasts enough players to field freshman, junior varsity, and varsity teams;

WHEREAS, Friendship Collegiate Academy's football team may be considered the best high school football team in the District of Columbia proper;

WHEREAS, on December 1st, 2012 Friendship Collegiate Academy played the DCIAA Champion, Paul Lawrence Dunbar Senior High School, on the field of Howard University in the first D.C. Statewide Athletic Association Championship game.

WHEREAS, Friendship Collegiate Academy won 48-12;

WHEREAS, Friendship Collegiate Academy football program is not without many challenges, including no league, no home field, no practice field to call its own and not even a locker room;

WHEREAS, despite all of these challenges, Friendship Collegiate Academy's football team did not let obstacles deter it from success;

WHEREAS, Friendship Collegiate Academy has proven to be a football scholarship goldmine with many young men receiving scholarship opportunities and signing letters of intent with colleges across the country;

WHEREAS, 19 young men received scholarships in 2011, 14 in 2010, and 9 in 2009; and

ENROLLED ORIGINAL

WHEREAS, Friendship Collegiate Academy's football team serves as an example of what can be accomplished with little and how dreams can come true through dedication, persistence, and hard work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Friendship Collegiate Academy 2012 D.C. Statewide Athletic Association Champion Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia salutes the Friendship Collegiate Academy's 2012 Varsity Football team's spirit and its achievements in advancing sporting excellence in Washington, D.C.

Sec. 3. The Council of the District of Columbia recognizes Coach Aazaar Abdul-Rahim for establishing the Friendship Collegiate Academy's football program in 2004, and congratulates him and the varsity football team on a job well done as the winners of the inaugural 2012 D.C. Statewide Athletic Association Championship game.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To acknowledge the National Capital Hockey Tournament, “The Purple Puck”, hosted by Gonzaga College High School on December 28, 2012.

WHEREAS, Gonzaga College High School, founded in Northwest Washington, D.C. in 1821, is hosting the 20th Anniversary National Capital Ice Hockey Tournament, nicknamed “The Purple Puck”;

WHEREAS, for the past 20 years, between Christmas and New Year’s, Gonzaga has hosted the Purple Puck at Fort DuPont Ice Arena in Southeast, D.C., which also serves as the home rink of the Gonzaga Hockey Program;

WHEREAS, The Purple Puck is the only tournament for high school teams in the Washington, D.C. area;

WHEREAS, this year, teams from Chicago, Philadelphia, and Buffalo will play in a round-robin against local teams from Maryland, the District of Columbia, and Virginia;

WHEREAS, the tournament brings together hundreds of players and their families for the holiday week and helps out local businesses catering to their needs; and

WHEREAS, with the loss of the NHL this year, The Purple Puck will be showcasing hockey in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Purple Puck Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia salutes Gonzaga College High School for hosting The Purple Puck.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2012

To recognize and honor the retiring Commissioners from the Dupont Circle Advisory Neighborhood Commission (“ANC 2B”) for their combined 35 years of service on the commission, and for their leadership, commitment, and service to the citizens of the District of Columbia.

WHEREAS, Commissioners Bob Meehan ANC 2B03, Ramon Estrada ANC 2B09, Phil Carney ANC 2B07, Victor Wexler ANC 2B05, and Jack Jacobson ANC 2B04 make up the majority of the Dupont Circle Advisory Neighborhood Commission, ANC 2B;

WHEREAS, Commissioners Bob Meehan ANC 2B03, Ramon Estrada ANC 2B09, Phil Carney ANC 2B07, Victor Wexler ANC 2B05, and Jack Jacobson ANC 2B04 have a combined 35 years of ANC service; and

WHEREAS, Commissioners Bob Meehan ANC 2B03, Ramon Estrada ANC 2B09, Phil Carney ANC 2B07, Victor Wexler ANC 2B05, and Jack Jacobson ANC 2B04 are retiring voluntarily, having not been voted out of office.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “ANC2B Commissioners, Bob Meehan, Ramon Estrada, Phil Carney, Victor Wexler, and Jack Jacobson Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes and honors Bob Meehan, Ramon Estrada, Phil Carney, Victor Wexler, and Jack Jacobson for their outstanding service, stellar leadership, and unwavering commitment to the citizens of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2012

To recognize Bobby Mitchell for his many contributions to the District of Columbia community.

WHEREAS, 50 years ago, Bobby Mitchell made his debut as a player for the Washington Redskins and made the District of Columbia his home;

WHEREAS, Bobby Mitchell played for the Washington Redskins from 1962 to 1968;

WHEREAS, Bobby Mitchell was the first African-American to play for the Washington Redskins, making the Washington Redskins a team that represented the diversity of the District of Columbia;

WHEREAS, the opportunity for Bobby Mitchell to play for the Washington Redskins was due in part to the efforts made by the Kennedy Administration, led by Interior Secretary Stewart Udall, to force the Redskins management to open itself up to African-American players, the last National Football League team to do so;

WHEREAS, Bobby Mitchell won the National Football League receiving title in 1962 with 72 catches;

WHEREAS, Bobby Mitchell played a total of 11 seasons and 148 games in the National Football League;

WHEREAS, at the end of his last season as a Washington Redskins player, Bobby Mitchell held 5 team records, including most points scored and most receptions;

WHEREAS, Bobby Mitchell was selected to play in the Pro Bowl 7 times;

WHEREAS, during his 6 seasons with the Washington Redskins, Bobby Mitchell never caught fewer than 58 passes;

WHEREAS, Bobby Mitchell had a career 14,078 combined yards, which was the second highest record in the NFL at the time of his retirement;

ENROLLED ORIGINAL

WHEREAS, Bobby Mitchell played alongside such outstanding players and NFL Hall of Famers as Jim Brown, Sonny Jurgenson, Charley Taylor, and Sam Huff;

WHEREAS, Bobby Mitchell was inducted into the Professional Football Hall of Fame in 1983;

WHEREAS, Bobby Mitchell continued to work for the Washington Redskins organization as a pro scout and as assistant general manager until his retirement in 2003;

WHEREAS, Bobby Mitchell is married to Gwen Mitchell and is the father of 2 children, Robert, Jr. and Terri;

WHEREAS, Bobby Mitchell has made a second career in doing charitable work;

WHEREAS, since 1980, Bobby Mitchell has hosted the Bobby Mitchell's Hall of Fame Golf Classic which has raised over \$7 million for The Leukemia and Lymphoma Society;

WHEREAS, Bobby Mitchell's service in the fight against blood cancers, such as leukemia, was spurred in part by the death of Ernie Davis, a fellow player in the National Football League who was traded by the Washington Redskins in 1961 in return for Bobby Mitchell, and succumbed to leukemia in 1963; and

WHEREAS, Bobby Mitchell is a member of several community organizations, such as the Howard University Cancer Research Advisory Committee, the American Lung Association of the District of Columbia, and the Boys Club of Washington.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bobby Mitchell Recognition Resolution of 2012".

Sec. 2. The Council of the District of Columbia recognizes and honors the contributions of Bobby Mitchell to the District of Columbia community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2012

To recognize and honor Models Inc., a community-based modeling company and organization.

WHEREAS, Models Inc. was founded in March of 2006 in the Nation’s Capital, Washington, D.C.;

WHEREAS, Models Inc. is led by CEO Iran “Bang” Paylor and President Aaron Handy;

WHEREAS, Models Inc. builds self-esteem, enriches young adults, and creates a safe place for youth and young adults to express themselves through artistic development and Runway performance;

WHEREAS, Models Inc. works with major designers as well as local talent;

WHEREAS, Models Inc. is a place where you can grow and learn from others, in areas such as mainstream runway, print modeling, editorial modeling, dance, fashion, and entertainment;

WHEREAS, Models Inc. provides job readiness, self-esteem workshops, college prep courses, designer workshops, mentoring, and runway training.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Models Inc. Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes and honors Models Inc. for its commitment to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2012

To posthumously acknowledge the public service, dedication, and commitment of Patricia “Pat” Handy who gave a lifetime of public service to the residents of the District of Columbia, and to declare December 12, 2012 as “Patricia ‘Pat’ Handy Day” in the District of Columbia.

WHEREAS, Patricia “Pat” Handy was born on October 3, 1952 in the District of Columbia;

WHEREAS, Patricia “Pat” Handy was a proud Washingtonian who graduated from Howard University and the District of Columbia’s public school system;

WHEREAS, Patricia “Pat” Handy served low-income District residents for more than 32 years as an employee of the Department of Human Services;

WHEREAS, Patricia “Pat” Handy provided critical services to the homeless residents of the District of Columbia for over 9 years;

WHEREAS, Patricia “Pat” Handy provided invaluable assistance in the District’s response to Hurricane Isabelle in 2004, Hurricane Katrina in 2006, Hurricane Irene in 2011, and Hurricane Sandy in 2012;

WHEREAS, Patricia “Pat” Handy provided outstanding outreach services to the District’s most vulnerable residents during hypothermia season, ensuring that they were sheltered from elements and frigid cold; and

WHEREAS, Patricia “Pat” Handy found peace in the arms of God on November 20, 2012.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Patricia Handy Posthumous Recognition Resolution of 2012”.

Sec. 2. The Council of the District of Columbia recognizes and honors Patricia “Pat” Handy’s lifetime of public service, and declares December 5, 2012 as “Patricia “Pat” Handy Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

19-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2012

To recognize AARP and its Network of Age-Friendly Cities and Communities throughout the United States of America.

WHEREAS, since 1990, roughly 90% of older Americans have stayed in the same county where they have been living, if not the very same home;

WHEREAS, in the 1990s, all but 11 of the nation's 318 metropolitan areas saw an increase in their 65+ population, and soon the 65+ population will grow faster than the general population in all 50 states and the District of Columbia;

WHEREAS, in 2011, the so-called "Baby Boomers" (those born between 1946 and 1964) began turning 65, and the number of older people will increase dramatically during the 2010–2030 period;

WHEREAS, the older population in 2030 is projected to be twice that in 2000, growing from 35 million to 71.5 million and representing nearly 20% of the total U.S. population;

WHEREAS, the U.S. Census Bureau projects that the population age 85 and over could grow from 5.3 million in 2006 to nearly 21 million by 2050;

WHEREAS, some researchers predict that death rates at older ages will decline more rapidly than is reflected in the U.S. Census Bureau's projections, which could lead to greater growth of this population;

WHEREAS, there have been reports, specifically AARP's *Beyond 50.05: A Report to the Nation on Livable Communities*, illustrating that nearly 90% of the 50+ population surveyed would prefer to remain in their own homes as they age;

WHEREAS, according to a recent AARP survey of 1,000 transportation planners, it was revealed that two-thirds of planners have not yet begun considering the needs of older users in their multi-modal planning;

ENROLLED ORIGINAL

WHEREAS, because active aging is a life-long process, an age-friendly city is not just “elder-friendly;” an age-friendly city is friendly for people of all ages and abilities, and promotes active aging by optimizing opportunities for health, participation, and security in order to enhance quality of life as people age; and

WHEREAS, an “age-friendly” community promotes anticipating and responding flexibly to the aging-related needs and preferences of its citizens.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “AARP Network Age-Friendly Cities and Communities Recognition Resolution of 2012”.

Sec. 3. The Council of the District of Columbia applauds and recognizes AARP’s Network of Age-Friendly Communities Initiative.

Sec. 4. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Register.

**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 it's 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.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

- | | |
|---------|---|
| B20-233 | <p>Electronic Cigarette Parity Amendment Act of 2013</p> <p>Intro. 04-9-13 by Councilmembers Alexander and Grosso and sequentially referred to the Committee on Health and the Committee on the Judiciary and Public Safety</p> |
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| B20-241 | <p>Delta Sigma Theta Inc. Way Act of 2013</p> <p>Intro. 04-12-13 by Councilmember Evans and referred to the Committee of the Whole</p> |
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- | | |
|---------|---|
| B20-242 | <p>Bishop Iola B. Cunningham Way Designation Act of 2013</p> <p>Intro. 04-12-13 by Councilmember Alexander and referred to the Committee of the Whole</p> |
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- | | |
|---------|---|
| B20-245 | <p>Board of Elections Petition Circulation Requirements Amendment Act of 2013</p> <p>Intro. 04-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations</p> |
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- | | |
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| B20-246 | <p>Clinical Laboratory Practitioners Amendment Act of 2013</p> <p>Intro. 04-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health</p> |
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COUNCIL OF THE DISTRICT OF COLUMBIA

PROPOSED LEGISLATION

BILLS cont.

B20-247 Funeral Services Establishment Amendment Act of 2013

Intro. 04-22-13 by Councilmember Cheh and referred to the Committee on Business, Consumer, and Regulatory Affairs

B20-248 Second Telehealth Reimbursement Act of 2013

Intro. 04-22-13 by Councilmember Cheh and referred to the Committee on Business, Consumer, and Regulatory Affairs

B20-249 Telemedicine Coverage Act of 2013

Intro. 04-22-13 by Councilmember Grosso and referred to the Committee on Business, Consumer and Regulatory Affairs

PROPOSED RESOLUTIONS

PR20-193 Public Charter School Board Herbert R. Tillery Confirmation Resolution of 2013

Intro. 04-12-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-194 Public Charter School Board Barbara B. Nophlin Confirmation Resolution of 2013

Intro. 04-12-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-195 Public Charter School Board Sara Mead Confirmation Resolution of 2013

Intro. 04-12-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-196 Deputy Mayor for Education Abigail Smith Confirmation Resolution of 2013

Intro. 04-12-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-197 Stormwater Fee Discount Program Regulations Approval Resolution of 2013

Intro. 04-15-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS

ANNOUNCES A PUBLIC HEARING ON

B20-0049 THE “WORKPLACE WELLNESS ACT OF 2013”

B20-0116 THE “BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY AMENDMENT ACT OF 2013”

B20-0117 THE “PROHIBITION ON GOVERNMENT EMPLOYEE IN POLITICAL ACTIVITY AMENDMENT ACT OF 2013”

Thursday, June 13, 2013, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

On June 13, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0049 The “Workplace Wellness Act of 2013”; B20-0116 The “Board of Ethics and Government Accountability Amendment Act of 2013”; and, B20-0117 The “Prohibition on Government Employee in Political Activity Amendment Act of 2013.” This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

A brief description of each measure follows:

- 1) The Workplace Wellness Act of 2013 would establish a workplace wellness policy for the District government; provide for healthier options in vending machines under District control; and, permit a healthy retail food vendor in the John A. Wilson Building.
- 2) The Board of Ethics and Government Accountability Amendment Act of 2013 would allow the Board of Ethics and Government Accountability to issue advisory opinions upon its own initiative; and, expand the range of penalties that may be imposed for a violation of the Code of Official Conduct of the Council of the District of Columbia.
- 3) The Prohibition on Government Employee in Political Activity Amendment Act of 2013 would clarify that the Board of Ethics and Government Accountability would enforce the provisions of the act; address non-District elections; and, provide enforcement of the act through the code of conduct.

The purpose of this hearing is to give the public the opportunity to comment on the aforementioned measures.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday June 11, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

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 either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on June 24, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC HEARING ON

Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013

Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013

Bill 20-231, the Veteran Status Designation on Driver's License Amendment Act of 2013

Wednesday, May 15, 2013
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, May 15, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013; Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013; and Bill 20-231, the Veteran Status Designation on Driver's License Amendment Act of 2013. The hearing 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 include Bill 20-231.**

Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013, would prohibit the Mayor from requiring a Social Security number from residents who apply for a driver's license or identification card. Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013, would lower from 55 to 50 the eligible age for residents to take a driver safety course that qualifies them for an insurance discount, allow the course to be taken online, and reduce the required hours for the course. Bill 20-231 would require the District to indicate a resident's veteran status on his or her driver's license.

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. 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.

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 or faxed to (202) 724-8118. The record will close at the end of the business day on Wednesday, May 29, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**Bill 20-126, Closing of Public Streets and Alleys and Elimination of Building Restriction Lines
in and Abutting Squares 5641, N-5641, and S.O. 07-2117, Act of 2013**

and

Bill 20-69, Dimitar Peshev Plaza Act of 2013

on

**Tuesday, May 28, 2013
11:00 a.m., Hearing Room 412, 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 Bills 20-126, the "Closing of Public Streets and Alleys and Elimination of Building Restriction Lines in and Abutting Squares 5641, N-5641, and S.O. 07-2117, Act of 2013" and Bill 20-69, the "Dimitar Peshev Plaza Act of 2013." The public hearing will be held Tuesday, May 28, 2013, at 11:00 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This notice has been revised to reflect the addition of Bill 20-69, the "Dimitar Peshev Plaza Act of 2013."**

The stated purpose of Bill 20-126 is to approve the closing of a portion of Akron Place, S.E. abutting squares 5641 and N-5641 and the removal of the building restriction lines along Akron Place, S.E. and the south side of Austin Streets, S.E. in squares 5641 and N-5641 in Ward 7. Approval of Bill 20-126 is related to the development of Skyland Town Center. The stated purpose of Bill 20-69 is to approve the designation of the intersection of 22nd and R Streets, N.W. as Dimitar Peshev Plaza in Ward 2.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Crispus Gordon III, Legislative Assistant, at cgordon@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Friday, May 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 May 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. Copies of Bill 20-126 and Bill 20-69 can be obtained through the Legislative Services Division of the Secretary of the Council or on <http://dcclims1.dccouncil.us/lims>.

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 Tuesday, June 11, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

Bill 20-228, Large Tract Review Process Amendment Act of 2013

on

**Thursday, June 13, 2013
11:00 a.m., Council Chamber, 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 Bill 20-228, the “Large Tract Review Process Amendment Act of 2013.” The public hearing will be held Thursday, June 13, 2013, at 11:00 a.m. in the Council Chamber of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 20-228 is to amend Title 10 of the District of Columbia Municipal Regulations to expand the large tract review process to include residential developments of 150,000 sq. ft. or more (gross floor area).

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 and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, June 11, 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 June 11, 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. A copy of Bill 20-228 can be obtained through the Legislative Services Division of the Secretary of the Council’s office or at <http://dcclims1.dccouncil.us/lims>.

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, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, June 27, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2014 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2014 BUDGET SUPPORT ACT OF 2013,
 FISCAL YEAR 2014 BUDGET REQUEST ACT OF 2013, AND
 COMMITTEE MARK-UP SCHEDULE
 (04-23-13)**

SUMMARY

March 28, 2013	Mayor Transmits the FY 2014 Proposed Budget and Financial Plan
April 8, 2013	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2014 Proposed Budget and Financial Plan
April 10, 2013 to May 2, 2013	Committee Public Hearings on the "Fiscal Year 2014 Budget Request Act of 2013." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2014 Budget Support Acts that affect the agencies under each Committee's purview)
May 3, 2013	Committee of the Whole Public Hearing on the "Fiscal Year 2014 Budget Request Act of 2013", the "Fiscal Year 2014 Budget Support Act of 2013", and the "2013 Revised Budget Request Emergency Adjustment Act of 2013"
May 6, 8, and May 9, 2013	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2014
May 22, 2013	Committee of the Whole and Council consideration of the "Fiscal Year 2014 Budget Request Act of 2013", and the "Fiscal Year 2014 Budget Support Act of 2013"
TBD	Council considers the "Fiscal Year 2014 Budget Support Act of 2013" for second reading

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2014 Proposed Budget and Financial Plan, the "Fiscal Year 2012 Budget Request Act of 2013", and the "Fiscal Year 2012 Budget Support Act of 2013". The hearings will begin Wednesday, April 10, 2013 and conclude on Thursday, May 2, 2013 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Monday, May 6, 2013 and conclude on Thursday, May 9, 2013 and will take place in the Council Chamber (Room 500) 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 oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
Deleted	April 10, 2013	Committee on Human Services (ABRA)
May 2, 2013	April 30, 2013	Committee on Education
April 18, 2013	N/A	Committee of the Whole (added One City Fund to hearing schedule)
April 18, 2013	April 15, 2013	Committee on Human Services
Deleted	April 29, 2013	Committee on Business, Consumer & Regulatory Affairs
April 22, 2013	April 10, 2013	Committee on Education
April 26, 2013	April 25, 2013	Committee on Business, Consumer & Regulatory Affairs (Office of Motion Picture & Television & Office of Tenant Advocate)
April 25, 2013	April 10, 2013	Committee on Business, Consumer & Regulatory Affairs (ABRA)
April 23, 2013	N/A	Committee on Health (Health Benefit Exchange Authority)
May 8, 2013	May 6, 2013	Committee on Economic Development

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
MONDAY, APRIL 8, 2013; COUNCIL CHAMBER (ROOM 500)		
Time	Subject	
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2014 Proposed Budget	

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Tommy Wells
WEDNESDAY, APRIL 10, 2013; COUNCIL CHAMBER (ROOM 500)		
Time	Agency	
10:00 a.m. - End	Judicial Nomination Commission	
	Department of Corrections	
	Corrections Information Council	
	Office on Returning Citizen Affairs	
	Homeland Security and 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.

COMMITTEE ON EDUCATION		Chairperson David Catania
WEDNESDAY, APRIL 10, 2013; ROOM 123		
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.

COMMITTEE ON HEALTH		Chairperson Yvette Alexander
WEDNESDAY, APRIL 10, 2013; ROOM 412		
TIME	AGENCY	
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.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - 2:30 p.m.	Metropolitan Washington Council of Governments
	Office of Labor Relations and Collective Bargaining
	Office of Budget and Planning
	Council 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.

COMMITTEE ON HEALTH **Chairperson Yvette Alexander**

THURSDAY, APRIL 11, 2013; ROOM 412	
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.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

THURSDAY, APRIL 11, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Department of Human Resources
	District of Columbia Board of Elections
	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.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, APRIL 12, 2013; COUNCIL CHAMBER (ROOM 500)	
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.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 12, 2013; ROOM 412	
Time	Agency
12:00 p.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.

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

MONDAY, APRIL 15, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - 5:00 p.m.	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.

COMMITTEE ON EDUCATION **Chairperson David Catania**

WEDNESDAY, APRIL 17, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses 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.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Tommy Wells**

WEDNESDAY, APRIL 17, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Commission on Judicial Disabilities and Tenure
	Office of Unified Communications
	Fire and Emergency Medical Services Department
	Office of Victim Services
	Justice Grants Administration

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.

COMMITTEE ON HEALTH **Chairperson Yvette Alexander**

THURSDAY, APRIL 18, 2013; COUNCIL CHAMBER (ROOM 500)	
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.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 18, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Retirement Board
	Contract Appeals Board
	Office of Contracting and Procurement
	One City Fund

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.

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

THURSDAY, APRIL 18, 2013; COUNCIL CHAMBER (ROOM 123)	
Time	Agency
11:00 a.m. - 5:00 p.m.	Children and Youth Investment Trust Corporation

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.

Chairman Phil Mendelson

COMMITTEE OF THE WHOLE	
FRIDAY, APRIL 19, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
1:00 p.m. - End	District of Columbia Auditor
	University of the District of Columbia
	DC Community College

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.

Chairperson Jim Graham

COMMITTEE ON HUMAN SERVICES	
FRIDAY, APRIL 19, 2013; ROOM 412	
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.

Chairperson Yvette Alexander

COMMITTEE ON HEALTH	
FRIDAY, APRIL 19, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Not-For-Profit Hospital Corporation

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.

Chairperson Marion Barry

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS	
FRIDAY, APRIL 19, 2013; ROOM 120	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs and the 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 & 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.

Chairperson Muriel Bowser

COMMITTEE ON ECONOMIC DEVELOPMENT	
MONDAY, APRIL 22, 2013; COUNCIL CHAMBERS (ROOM 500)	
Time	Agency
10:00 a.m. - End	Washington Area Metropolitan Transit Authority
	Housing Finance Agency
	District of Columbia Housing Authority
	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.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

MONDAY, APRIL 22, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Advisory Neighborhood Commissions
	Board of Ethics and Government Accountability
	Office of Campaign Finance
	Office of the 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.

COMMITTEE ON EDUCATION **Chairperson David Catania**

MONDAY, APRIL 22, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education
	Deputy Mayor of Education
	State Board of 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 e-mail: bwilliamskief@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, APRIL 22, 2013; ROOM 120	
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 and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON HEALTH **Chairperson Yvette Alexander**

TUESDAY, APRIL 23, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Health Benefit Exchange Authority

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.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

WEDNESDAY, APRIL 24, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Washington Convention and Sports Authority/Events DC
	Destination DC
	Commission on Arts and 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.

COMMITTEE ON ECONOMIC DEVELOPMENT **Chairperson Muriel Bowser**

WEDNESDAY, APRIL 24, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Planning and Economic Development
	Department of Housing and Community Development

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.

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

WEDNESDAY, APRIL 24, 2013; ROOM 123	
Time	Agency
11:00 a.m. - End	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.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS **Chairperson Vincent Orange**

THURSDAY, APRIL 25, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Consumer and Regulatory Affairs
	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Alcohol Beverage and Regulation Administration

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.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Tommy Wells**

THURSDAY, APRIL 25, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Criminal Justice Coordinating Council
	Access to Justice Initiative
	Office of the Attorney General
	Office of Administrative Hearings
	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 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

THURSDAY, APRIL 25, 2012; ROOM 123	
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.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, APRIL 26, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	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.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS **Chairperson Vincent Orange**

FRIDAY, APRIL 26, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of Motion Picture and Television
	Office of Tenant Advocate
	Boxing and Wrestling Commission

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.

COMMITTEE ON EDUCATION **Chairperson David Catania**

FRIDAY, APRIL 26, 2013; ROOM 123	
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.

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

MONDAY, APRIL 29, 2013; COUNCIL CHAMBER (ROOM 500)	
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.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS **Chairperson Marion Barry**

MONDAY, APRIL 29, 2013; ROOM 412	
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.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Tommy Wells**

MONDAY, APRIL 29, 2013; ROOM 120	
Time	Agency
10:00 a.m. - End	National Guard
	Deputy Mayor for Public Safety and Justice
	Department of Forensic Sciences
	Metropolitan Police Department
	Office of Police Complaints

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.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

TUESDAY, APRIL 30, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
Noon - End	Office of the Chief Financial Officer
	Office of Finance and Treasury
	Office of Financial Management & Operations
	Office of Tax and Revenue
	District of Columbia Lottery and 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 on Finance and Revenue at 724-8058 or e-mail: sloy@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

WEDNESDAY, MAY 1, 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.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, MAY 2, 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.

COMMITTEE ON EDUCATION

Chairperson David Catania

THURSDAY, MAY 2, 2013; COUNCIL CHAMBER; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses 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.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MAY 3, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Hearing on the "Fiscal Year 2014 Budget Request Act of 2013", the "Fiscal Year 2014 Budget Support Act of 2013", and the "2013 Revised Budget Request Emergency Adjustment Act of 2013"

COMMITTEE MARK-UP SCHEDULE

MONDAY, MAY 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
12:00 p.m. - 2:00 p.m.	Health
2:00 p.m. - 4:00 p.m.	Human Services

WEDNESDAY, MAY 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Business, Consumer & Regulatory Affairs
12:00 p.m. - 2:00 p.m.	Workforce & Community Affairs
2:00 p.m. - 3:00 p.m.	Finance & Revenue
3:00 p.m. - 4:00 p.m.	Economic Development
5:00 p.m. - End	Judiciary & Public Safety

THURSDAY, MAY 9, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Education
12:00 p.m. - 2:00 p.m.	Transportation and the Environment
2:00 p.m. - 4:00 p.m.	Government Operations
4:00 p.m. - End	Committee of the Whole

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

The District of Columbia Streetcar System

at 11:00 a.m.
on July 3, 2013
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On July 3, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District of Columbia Streetcar System. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The District Department of Transportation has planned an 8-line, 37-mile streetcar system throughout the District. Passenger service is expected to begin on the initial H Street / Benning Road segment by the end of 2013. The District is already spending tens of millions of dollars on the streetcar system and has budgeted an additional \$400 million during the next 6 years. At the same time, the Mayor has convened a task force to consider the future governance and financing of the system, and he has solicited private companies to help build, operate, and maintain the first 22-miles of streetcar service. The purpose of this hearing is to discuss the status of the initial segment, plans for future lines, proposals from the private sector, governance alternatives, and financing options for the streetcar system.

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. 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.

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 or faxed to (202) 724-8118. The record will close at the end of the business day on July 12, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

**ANNOUNCES A PUBLIC ROUNDTABLE ON
THE COMMITTEE PRINTS FOR THE FOLLOWING BILLS:**

B20-0003 THE “COMPREHENSIVE CAMPAIGN FINANCE REFORM AMENDMENT ACT OF 2013”

B20-0076 THE “CAMPAIGN FINANCE TRAINING AMENDMENT ACT OF 2013”

**Wednesday May 15, 2013, 11:00 AM
Room 500 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On May 15, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public roundtable on the committee prints for B20-0003 The “Comprehensive Campaign Finance Reform Amendment Act of 2013”; and, B20-0076 The “Campaign Finance Training Amendment Act of 2013.” This public roundtable will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this roundtable is to give the public the opportunity to comment on the committee prints of the aforementioned measures. This notice is being published in order to notify the public of the opportunity to comment. The committee will announce when copies of the committee print are available for review.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday May 13, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

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 either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on May 20, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC ROUNDTABLE ON

PR20-184, the “District of Columbia Water and Sewer Authority Board of Directors Ms. Ellen O. Boardman Confirmation Resolution of 2013”

PR20-185, the “District of Columbia Water and Sewer Authority Board of Directors Mr. James Bunn Confirmation Resolution of 2013”

PR20-186, the “District of Columbia Water and Sewer Authority Board of Directors Mr. Keith Anderson Confirmation Resolution of 2013”

Monday, June 3, 2013
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, June 3, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public Roundtable on PR20-184, the “District of Columbia Water and Sewer Authority Board of Directors Ms. Ellen O. Boardman Confirmation Resolution of 2013”; PR20-185, the “District of Columbia Water and Sewer Authority Board of Directors Mr. James Bunn Confirmation Resolution of 2013”; PR20-186, the “District of Columbia Water and Sewer Authority Board of Directors Mr. Keith Anderson Confirmation Resolution of 2013.” 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 remove PR20-183, which was withdrawn by the Mayor.**

These resolutions would confirm Ellen O. Boardman, James Bunn, and Keith Anderson as members of the Board of Directors of the District of Columbia Water and Sewer Authority, more commonly known as DC Water.

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. 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.

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 or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, June 17, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT APPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to approve CA 20-62, proposed contract with Thrive Health Plans, Inc. in the amount of \$542,535,279.00 to provide healthcare services for its Medicaid eligible population enrolled in the District of Columbia Healthy Families program and its D.C. Health Care Alliance program was filed in the Office of the Secretary on April 8, 2013.

A copy of the approval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

PR 20-222: Proposed Contract No. 20-62 with Thrive Health Plans, Inc., Approval Resolution of 2013

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT DISAPPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to disapprove CA 20-62, proposed contract with Thrive Health Plans, Inc. in the amount of \$542,535,279.00 to provide healthcare services for its Medicaid eligible population enrolled in the District of Columbia Healthy Families program and its D.C. Health Care Alliance program was filed in the Office of the Secretary on April 8, 2013.

A copy of the disapproval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

PR 20-200: Proposed Contract with Thrive Health Plans, Inc., Disapproval Resolution of 2013

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

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 20-221, the "Proposed Multiyear Contract No. 13-OCPS-004-04 Approval Resolution of 2013" in order to consider the proposed resolution at the additional legislative meeting on May 7th, 2013.

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

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 20-222, the "Proposed Contract No. 20-62 with Thrive Health Plans, Inc., Approval Resolution of 2013", in order to consider the proposed resolution at an additional legislative meeting on April 30th, 2013. The District of Columbia proposes to enter into Contract No. 20-62 with Thrive Health Plans, Inc., to provide healthcare services for District of Columbia residents enrolled in the Healthy Families program and the D.C. Healthcare Alliance program. The Council must take action must by April 30, 2013, to ensure that certain assessments required by federal regulations occur on a timely basis before the company provides healthcare services to District residents.

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 15th 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 31st 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, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 5, Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-39: Request to reprogram \$1,100,000 of Local funds budget authority from the Child and Family Services Agency (CFSA) to the Metropolitan Police Department (MPD) was filed in the Office of the Secretary on April 23, 2013. This reprogramming, in combination with the Metropolitan Police Department's Force Enhancement Emergency Act of 2012 (Legislation B19-1056), will support hiring 43 new officers.

RECEIVED: 14 day review begins April 24, 2013

Reprog. 20-40: Request to reprogram \$1,350,000 of Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on April 23, 2013. This reprogramming is needed in order to pay for higher-than-anticipated steam costs.

RECEIVED: 14 day review begins April 24, 2013

REPROGRAMMINGS**Cont.**

Reprog. 20-41: Request to reprogram \$4,595,056 of Local funds budget authority within the Child and Family Services Agency (CFSA) was filed in the Office of the Secretary on April 23, 2013. This reprogramming ensures that CFSA will be able to meet the service needs of the children and families in the care of the agency.

RECEIVED: 14 day review begins April 24, 2013

Reprog. 20-42: Request to reprogram \$4,300,000 of Local funds budget authority from Non-Public Tuition (NPT) and the Child and Family Services Agency (CFSA) to the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on April 23, 2013. This reprogramming ensures the OSSE is able to cover the costs required by the Early Intervention, Part C Regulations, due to an increase in the number of eligible special education children.

RECEIVED: 14 day review begins April 24, 2013

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, MAY 1, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

Ruthanne Miller, Chairperson

Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

- | | |
|---|----------------|
| Show Cause Hearing (Status)
Case # 12-CMP-00639; Kissako, LLC, t/a Teasm, 800 Connecticut Ave NW
License #70916, Retailer CR, ANC 2B
Failed to File Quarterly Statements (2nd Quarter 2012), Failed to Maintain Books and Records | 9:30 AM |
| Show Cause Hearing (Status)
Case # 12-CC-00119; Towne Park, Inc., t/a Towne Liquors, 1326 Wisconsin Ave NW, License #60417, Retailer A, ANC 2E
Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age | 9:30 AM |
| Show Cause Hearing (Status)
Case # 12-CMP-00509; Cucina Moderna, LLC, t/a Elisir, 427 11th Street NW
License #87031, Retailer CR, ANC 2C
Failed to File Quarterly Statements (2nd Quarter 2012) | 9:30 AM |
| Show Cause Hearing (Status)
Case # 12-CMP-00450; Cec, Inc., t/a Bistro Lepic, 1736 Wisconsin Ave NW
License #21918, Retailer CR, ANC 2E
Failed to File Quarterly Statements (2nd Quarter 2012, 4th Quarter 2012) | 9:30 AM |
| Show Cause Hearing (Status)
Case # 12-CMP-00736; Perculus Inc., t/a The Reef, 2442 18th Street NW
License #60475, Retailer CT, ANC 1C
Operating After Board Approved Hours | 9:30 AM |
| Show Cause Hearing (Status)
Case # 12-CMP-00494; Little Fountain Café, Inc., t/a Little Fountain Café
2339 18th Street NW, License #20251, Retailer CR, ANC 1C
Failed to File Quarterly Statements (2nd Quarter 2012) | 9:30 AM |

Board's Calendar
Page -2- May 1, 2013

Show Cause Hearing (Status) **9:30 AM**
Case # 12-CMP-00392; M&T Grocer's Beer and Wine, Inc., t/a M&T Grocer's Beer and Wine, 201 15th Street NE, License #77390, Retailer B, ANC 6A
Violation of Settlement Agreement

Show Cause Hearing **10:00 AM**
Case # 12-CC-00034; Twin T's, LLC, t/a DC Shenanigans (formerly , cNasty's) 2450 18th Street NW, License #88119, Retailer CT, ANC 1C
Sale to Minor, Failed to Require Production of Valid Identification

Show Cause Hearing **11:00 AM**
Case # 12-251-00137; Arm, LLC, t/a Lux, 649 New York Ave NW, License #71743, Retailer CN, ANC 6E
Failed to Follow Security Plan, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Show Cause Hearing **1:30 PM**
Case # 12-CMP-00383; H & Y Chun Corporation, t/a Michigan Liquors, 3934 12th Street NE, License #23640, Retailer A, ANC 5B
Permitted the Sale of Alcoholic Beverages on Credit

Show Cause Hearing **2:30 PM**
Case # 12-CMP-00248; HHC TRS Melrose, LLC, t/a Melrose Hotel, 2430 Pennsylvania Ave NW, License #75008, Retailer CH, ANC 2A
Failed to Conspicuously Post Licenses, Failed to Post Pregnancy Sign, Failed to Post Current Legal Drinking Age Notice

Show Cause Hearing **3:30 PM**
Case # 12-CMP-00228; Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar, 900 Florida Ave NW, License #88290, Retailer CT, ANC 1B
Substantial Change in Operation (No Summer Garden or Sidewalk Café Endorsement)

Show Cause Hearing **4:30 PM**
Case # 12-AUD-00006; Esteban Ramirez & Francisco Nunez, t/a Carolina Palace, 3700 14th Street NW, License #21055, Retailer CR, ANC 4C
Failed to File Quarterly Statements (3rd Quarter 2011)

Protest Hearing **4:30 PM**
Case # 13-PRO-00006; Al's Market, LLC, t/a Compass Rose, 1346 T Street, NW, License #91140, Retailer CT, ANC 1B
New Application

CORRECTION**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 5, 2013
Petition Date: May 20, 2013
Roll Call Hearing Date: June 3, 2013
Protest Hearing Date: July 24, 2013

License No.: ABRA-091682
Licensee: SST Management LLC
Trade Name: BIN 1301 WINE BAR
License Class: Retailer’s Class “C” Tavern
Address: 1301 – U Street, NW
Contact: Jeff Jackson: 202-251-1566

WARD 1 ANC 1B SMD 1B12

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 Roll Call 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. The Protest Hearing Date is scheduled on July 24, 2013 at 1:30 pm.

NATURE OF OPERATION

**Food will be American /Italian cuisine to include, salads, Panini, small plates, charcuterie and cheeses. Total Load: 61, Seats Inside: 36, Summer Garden Seats: 35.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 10 am – 2 am; Friday and Saturday: 10 am – 3 am

HOURS OF SUMMER GARDEN OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 10 am – 12 am

RESCIND

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 5, 2013
Petition Date: May 20, 2013
Roll Call Hearing Date: June 3, 2013
Protest Hearing Date: July 24, 2013

License No.: ABRA-091682
Licensee: SST Management LLC
Trade Name: BIN 1301 WINE BAR
License Class: Retailer’s Class “C” Tavern
Address: 1301 – U Street, NW
Contact: Jeff Jackson: 202-251-1566

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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 Roll Call 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. The Protest Hearing Date is scheduled on July 24, 2013 at 1:30 pm.

NATURE OF OPERATION

New Full Service Restaurant that will be serving Mexican Food. Total Load: 61,
Seats Inside: 36, Summer Garden Seats: 35.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 10 am – 2 am; Friday and Saturday: 10 am – 3 am

HOURS OF SUMMER GARDEN OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 10 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
 PETITION DATE: 6/10/2013
 HEARING DATE: 6/24/2013

License Number: ABRA-074714 Applicant: Jun & Jin, Inc.
 License Class/Type: C Restaurant Trade Name: Momoyama
 ANC: 6C Premise Address: 231 2ND ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	closed -	closed - closed	-
MON:	11 am - 10:30 pm	11 am - 10:30 pm	-
TUE:	11 am - 10:30 pm	11 am - 10:30 pm	-
WED:	11 am - 10:30 pm	11 am - 10:30 pm	-
THU:	11 am - 10:30 pm	11 am - 10:30 pm	-
FRI:	11 am - 10:30 pm	11 am - 10:30 pm	-
SAT:	5:30 pm - 12 am	5:30 pm - 12 am	-

License Number: ABRA-019300 Applicant: Silver Rooster Corporation
 License Class/Type: C Restaurant Trade Name: Makoto Restaurant
 ANC: 3D Premise Address: 4822 MACARTHUR BLVD NW A

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	6 pm - 12 am	6 pm - 12 am	-
MON:	Closed - Closed	Closed - Closed	-
TUE:	11:30 am - 12 am	11:30 am - 12 am	-
WED:	11:30 am - 12 am	11:30 am - 12 am	-
THU:	11:30 am - 12 am	11:30 am - 12 am	-
FRI:	11:30 am - 12 am	11:30 am - 12 am	-
SAT:	11:30 - 2 am	11:30 - 2 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
 PETITION DATE: 6/10/2013
 HEARING DATE: 6/24/2013

License Number: ABRA-008469 Applicant: Luigis Restaurant, Inc.
 License Class/Type: C Restaurant Trade Name: Luigi's Restaurant
 ANC: Premise Address: 1132 19TH ST NW

Endorsements: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	11 am - 12 am	11 am - 11:30 pm	12 pm - 12 am	11 am - 11:30 pm	-
MON:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-
TUE:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-
WED:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-
THU:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-
FRI:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-
SAT:	11 am - 12 am	11 am - 11:30 pm	11 am - 12 am	11 am - 12 am	-

License Number: ABRA-021055 Applicant: Esteban Ramirez & Francisco Nunez
 License Class/Type: C Restaurant Trade Name: Carolina Palace
 ANC: Premise Address: 3700 14TH ST NW

Endorsements: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
MON:	11 am - 2 am	11 am - 2 am	n/a -
TUE:	11 am - 2 am	11 am - 2 am	6 pm - 12 am
WED:	11 am - 2 am	11 am - 2 am	6 pm - 12 am
THU:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
FRI:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
SAT:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
PETITION DATE: 6/10/2013
HEARING DATE: 6/24/2013

License Number: ABRA-087074

Applicant: The Dunes Fund, LLC

License Class/Type: C Multipurpose

Trade Name: The Dunes

ANC:

Premise Address: 1400 - 1402 MERIDIAN PL NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 12 am	12 pm - 12 am	-
MON:	11 am - 1 am	11 am - 1 am	-
TUE:	11 am - 1 am	11 am - 1 am	-
WED:	11 am - 2 am	11 am - 2 am	-
THU:	11 am - 2 am	11 am - 2 am	-
FRI:	11 am - 3 am	11 am - 3 am	-
SAT:	11 am - 3 am	11 am - 3 am	-

License Number: ABRA-087727

Applicant: Gin Rummy Group, Inc.

License Class/Type: C Restaurant

Trade Name: Little Ricky's

ANC:

Premise Address: 3522 12TH ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 12 am	10 am - 12 am	-
MON:	10 am - 12 am	10 am - 12 am	-
TUE:	10 am - 12 am	10 am - 12 am	-
WED:	10 am - 12 am	10 am - 12 am	-
THU:	10 am - 12 am	10 am - 12 am	-
FRI:	10 am - 12 am	10 am - 12 am	-
SAT:	10 am - 12 am	10 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
 PETITION DATE: 6/10/2013
 HEARING DATE: 6/24/2013

License Number: ABRA-088779 Applicant: SJ Enterprises, LLC
 License Class/Type: C Restaurant Trade Name: The Casbah
 ANC: Premise Address: 1128 H ST NE

Endorsements: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	11 am - 12 am	11 am - 12 am	11 am - 11 pm	11 am - 11 pm	6 pm - 10 pm
MON:	11 am - 1 am	11 am - 1 am	11 am - 11 pm	11 am - 11 pm	6 pm - 12 am
TUE:	11 am - 1 am	11 am - 1 am	11 am - 11 pm	11 am - 11 pm	6 pm - 12 am
WED:	11 am - 2 am	11 am - 2 am	11 am - 11 pm	11 am - 11 pm	6 pm - 12 am
THU:	11 am - 3 am	11 am - 2 am	11 am - 11 pm	11 am - 11 pm	6 pm - 12 am
FRI:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 12 am	6 pm - 1 am
SAT:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 12 am	6 pm - 1 am

License Number: ABRA-089867 Applicant: MH Owner, LLC
 License Class/Type: C Hotel Trade Name: Hotel Monticello
 ANC: 2E Premise Address: 1075 THOMAS JEFFERSON ST NW

Endorsements: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	12 am - 12 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	-
MON:	12 am - 12 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	-
TUE:	12 am - 12 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	-
WED:	12 am - 12 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	-
THU:	12 am - 12 am	8 am - 2 am	8 am - 2 am	8 am - 2 am	-
FRI:	12 am - 12 am	8 am - 3 am	8 am - 3 am	8 am - 3 am	-
SAT:	12 am - 12 am	8 am - 3 am	8 am - 3 am	8 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013

PETITION DATE: 6/10/2013

HEARING DATE: 6/24/2013

License Number: ABRA-090630

Applicant: Poyloun Group DC, LLC

License Class/Type: C Restaurant

Trade Name: Kruba

ANC: 6D

Premise Address: 301 TINGEY ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 1 am	11 am - 1 am	
MON:	11 am - 1 am	11 am - 1 am	-
TUE:	11 am - 1 am	11 am - 1 am	-
WED:	11 am - 1 am	11 am - 1 am	-
THU:	11 am - 1 am	11 am - 1 am	-
FRI:	11 am - 3 am	11 am - 3 am	-
SAT:	11 am - 3 am	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-001008

License Class/Type: C Club

Applicant: American Foreign Service

Trade Name: Foreign Service Club

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2101 E ST NW, Washington, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-081027

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #3

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

701 18TH ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-081018

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #5

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2121 PENNSYLVANIA AVE NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-081024

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #1

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1818 H ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7: 30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Thursday:	7: 30 am - 7 pm	8 am - 7 pm	-
Friday:	7: 30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-081026

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #2

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1850 I ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-077416

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: Spirit of Washington

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW, Washington, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	-
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Friday:	8:30 am - 3 am	8:30 am - 3 am	-
Saturday:	8:30 am - 3 am	8:30 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-072156

License Class/Type: C Hotel

Applicant: Phoenix Park Hotel Operating, LLC & Dubliner Inc.

Trade Name: Phoenix Park & Phoenix Park Hotel

ANC: 6C

Has applied for the renewal of an alcoholic beverages license at the premises:

520 NORTH CAPITOL ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	8 am -2 am	-
Monday:	24 hours -	11 am - 2 am	-
Tuesday:	24 hours -	11 am - 2 am	-
Wednesday:	24 hours -	11 am - 2 am	-
Thursday:	24 hours -	11 am - 2 am	-
Friday:	24 hours -	11 am - 3 am	-
Saturday:	24 hours -	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-010135

License Class/Type: C Club

Applicant: Diplomatic & Consular Officers Retired, Inc.

Trade Name: Diplomatic & Consular Officers Retired

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1801 F ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 9 pm	12 pm -9 pm	-
Monday:	12 pm - 9 pm	12 pm - 9 pm	-
Tuesday:	12 pm - 9 pm	12 pm - 9 pm	-
Wednesday:	12 pm - 9 pm	12 pm - 9 pm	-
Thursday:	12 pm - 9 pm	12 pm - 9 pm	-
Friday:	12 pm - 9 pm	12 pm - 9 pm	-
Saturday:	12 pm - 9 pm	12 pm - 9 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	12 pm - 9 pm	12 pm - 9 pm
Monday:	12 pm - 9 pm	12 pm - 9 pm
Tuesday:	12 pm - 9 pm	12 pm - 9 pm
Wednesday:	12 pm - 9 pm	12 pm - 9 pm
Thursday:	12 pm - 9 pm	12 pm - 9 pm
Friday:	12 pm - 9 pm	12 pm - 9 pm
Saturday:	12 pm - 9 pm	12 pm - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-001792

License Class/Type: C Multipurpose

Applicant: Trustees of Amherst College

Trade Name: Folger Theatre Group

ANC: 6B

Has applied for the renewal of an alcoholic beverages license at the premises:

201 EAST CAPITOL ST SE, Washington, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 pm - 9 pm	6 pm - 9 pm	-
Monday:	10 am - 9 pm	6 pm - 9 pm	-
Tuesday:	10 am - 9 pm	6 pm - 9 pm	-
Wednesday:	10 am - 9 pm	6 pm - 9 pm	-
Thursday:	10 am - 9 pm	6 pm - 9 pm	-
Friday:	10 am - 9 pm	6 pm - 9 pm	-
Saturday:	10 am - 9 pm	6 pm - 9 pm	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-060796

License Class/Type: C Hotel

Applicant: Compass Group USA, Inc.

Trade Name: Gallaudet University Conference Center

ANC: 5D

Has applied for the renewal of an alcoholic beverages license at the premises:

800 FLORIDA AVE NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	12 pm -2 am	6 pm - 2 am
Monday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Tuesday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Wednesday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Thursday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Friday:	24 hours -	12 pm - 3 am	6 pm - 3 am
Saturday:	24 hours -	12 pm - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-000637

License Class/Type: C Club

Applicant: The Arts Club of Washington

Trade Name: The Arts Club of Washington

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2017 I ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am -12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-077418

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: The Capital Elite

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW B, Washington, DC

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	6 pm - 2 am
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Friday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am
Saturday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-000319

License Class/Type: C Club

Applicant: Woman's National Democratic Club

Trade Name: Woman's National Democratic Club

ANC: 2B07

Has applied for the renewal of an alcoholic beverages license at the premises:

1526 NEW HAMPSHIRE AVE NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	10 am -1 am	-
Monday:	8 am - 1 am	8 am - 1 am	-
Tuesday:	8 am - 1 am	8 am - 1 am	-
Wednesday:	8 am - 1 am	8 am - 1 am	-
Thursday:	8 am - 1 am	8 am - 1 am	-
Friday:	8 am - 1 am	8 am - 1 am	-
Saturday:	8 am - 1 am	8 am - 1 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-086193

License Class/Type: C Restaurant

Applicant: The Cajun Experience DC, LLC

Trade Name: The Cajun Experience DC

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1825 18TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of
Entertainment			
Sunday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Friday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am
Saturday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

006027

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
 PETITION DATE: 6/10/2013
 HEARING DATE: 6/24/2013

License Number: ABRA-085659
 License Class/Type: D Restaurant
 ANC: 2C

Applicant: Specialty Foods, Inc.
 Trade Name: Ollie's Trolley
 Premise Address: 425 12TH ST NW

Endorsements: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	9 am - 10 pm	11 am - 9 pm	9 am - 10 pm	11 am - 9 pm	-
MON:	8 am - 10 pm	11 am - 10 pm	8 am - 10 pm	11 am - 10 pm	-
TUE:	8 am - 10 pm	11 am - 10 pm	8 am - 10 pm	11 am - 10 pm	-
WED:	8 am - 10 pm	11 am - 10 pm	8 am - 10 pm	11 am - 10 pm	-
THU:	8 am - 11 pm	11 am - 11 pm	8 am - 11 pm	11 am - 11 pm	-
FRI:	8 am - 11 pm	11 am - 11 pm	8 am - 11 pm	11 am - 11 pm	-
SAT:	8 am - 11 pm	11 am - 11 pm	8 am - 11 pm	11 am - 11 pm	-

License Number: ABRA-091405
 License Class/Type: D Restaurant
 ANC: 2C

Applicant: SAF CORPORATION
 Trade Name: California Tortilla
 Premise Address: 728 7TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 11:30 pm	11 am - 11:30 pm	-
MON:	11 am - 11:30 pm	11 am - 11:30 pm	-
TUE:	11 am - 11:30 pm	11 am - 11:30 pm	-
WED:	11 am - 11:30 pm	11 am - 11:30 pm	-
THU:	11 am - 11:30 pm	11 am - 11:30 pm	-
FRI:	11 am - 11:30 pm	11 am - 11:30 pm	-
SAT:	11 am - 11:30 pm	11 am - 11:30 pm	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 4/26/2013
PETITION DATE: 6/10/2013
HEARING DATE: 6/24/2013

License Number: ABRA-090601
License Class/Type: D Restaurant
ANC: 2F

Applicant: Chix LLC
Trade Name: Chix
Premise Address: 1121 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10:30am - 11pm	10:30am - 11pm	
MON:	7:30am - 11pm	12pm - 11pm	-
TUE:	7:30am - 11pm	12pm - 11pm	-
WED:	7:30Aam - 11pm	12pm - 11pm	-
THU:	7:30am - 11pm	12pm - 11pm	-
FRI:	7:30am - 11pm	12pm - 11pm	-
SAT:	10:30am - 11pm	10:30am - 11pm	

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-083338

License Class/Type: D Multipurpose

Applicant: Hillwood Museum & Gardens Foundation

Trade Name: Hillwood Museum & Gardens Foundation

ANC: 3F

Has applied for the renewal of an alcoholic beverages license at the premises:

4155 LINNEAN AVE NW, WASHINGTON, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 10 pm	12 pm -10 pm	-
Monday:	Closed - Closed	Closed - Closed	-
Tuesday:	9 am - 10 pm	9 am - 10 pm	-
Wednesday:	9 am - 10 pm	9 am - 10 pm	-
Thursday:	9 am - 10 pm	9 am - 10 pm	-
Friday:	9 am - 10 pm	9 am - 10 pm	-
Saturday:	9 am - 10 pm	9 am - 10 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	9 am - 10 pm	12 pm - 10 pm
Monday:	Closed - Closed	Closed - Closed
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-071077

License Class/Type: D Restaurant

Applicant: Bon Appetit Management Company

Trade Name: Bon Appetit Mgt. Co.

ANC: 3D

Has applied for the renewal of an alcoholic beverages license at the premises:

4400 MASSACHUSETTS AVE NW, Washington, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	11 am -12 am	-
Monday:	7 am - 11 pm	3 pm - 11 pm	-
Tuesday:	7 am - 11 pm	3 pm - 11 pm	-
Wednesday:	7 am - 11 pm	3 pm - 11 pm	-
Thursday:	7 am - 11 pm	3 pm - 11 pm	-
Friday:	7 am - 11 pm	3 pm - 11 pm	-
Saturday:	10 am - 12 am	11 am - 12 am	-

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: April 26, 2013

Petition Date: June 10, 2013

Hearing Date: June 24, 2013

License No.: ABRA-083149

Licensee: Ethiopic, Corporation

Trade Name: Ethiopic Restaurant

License Class: Retailer's Class "C" Restaurant

Address: 401 H St., NE

Contact: info@ethiopicrestaurant.com

WARD 6

ANC 6C

SMD 6C04

Notice is hereby given that this applicant has applied for a substantial change to its 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 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.

NATURE OF SUBSTANTIAL CHANGE

Request to Increase Occupancy Load from 36 seats to 47 seats.

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION

Sunday through Saturday 10:00 am – 1:00 am.

CURRENT ENTERTAINMENT HOURS

Sunday through Thursday 6:00 pm – 10:00 pm; Friday and Saturday 6:00 am – 12:00 am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/19/2013

Notice is hereby given that:

License Number: ABRA-084554

License Class/Type: D Restaurant

Applicant: Little China Cafe, Inc.

Trade Name: Little China Cafe

ANC: 3D

Has applied for the renewal of an alcoholic beverages license at the premises:

4830 MACARTHUR BLVD N, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/3/2013

HEARING WILL BE HELD ON

6/17/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 10 pm	12 pm -10 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 10 pm	11 am - 10 pm	-
Saturday:	11 am - 10 pm	11 am - 10 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	12 pm - 10 pm	12 pm - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

RESCIND

Posting Date: March 29, 2013
Petition Date: May 13, 2013
Hearing Date: May 28, 2013

License No.: ABRA-071593
Licensee: Arias, Inc.
Trade Name: My Brother's Place
License Class: Retailer's Class "C" Restaurant
Address: 237 2nd St. NW
Contact: Nelson Arias (202) 347-1350

WARD 6

ANC 6C

SMD 6C02

Notice is hereby given for a request to terminate the settlement agreement, as approved and incorporated into an order by the Board, for the following:

Parties to the Settlement Agreement: Arias, Inc. t/a My Brother's Place and Susan D. Pervi, Vice-President for Student Life, on behalf of the Catholic University of America

Protest Petitions: Objectors are entitled to be heard before the granting of such request on May 28, 2013 at 10 am 4th Floor, Suite 400, 2000 14th Street, NW. Protest petitions must be filed on or before May 13, 2013.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-086193

License Class/Type: C Restaurant

Applicant: The Cajun Experience DC, LLC

Trade Name: The Cajun Experience DC

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1825 18TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11 pm	11 am -11 pm	6 pm - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Friday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am
Saturday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-000637

License Class/Type: C Club

Applicant: The Arts Club of Washington

Trade Name: The Arts Club of Washington

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2017 I ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am -12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-081018

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #5

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2121 PENNSYLVANIA AVE NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-081027

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #3

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

701 18TH ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-081027

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #2

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1851 I ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-081024

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #1

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1818 H ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7: 30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Thursday:	7: 30 am - 7 pm	8 am - 7 pm	-
Friday:	7: 30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-077416

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: Spirit of Washington

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW, Washington, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	-
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Friday:	8:30 am - 3 am	8:30 am - 3 am	-
Saturday:	8:30 am - 3 am	8:30 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-072156

License Class/Type: C Hotel

Applicant: Phoenix Park Hotel Operating, LLC & Dubliner, Inc.

Trade Name: Phoenix Park & Phoenix Park Hotel

ANC: 6C

Has applied for the renewal of an alcoholic beverages license at the premises:

520 NORTH CAPITOL ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	8 am -2 am	-
Monday:	24 hours -	11 am - 2 am	-
Tuesday:	24 hours -	11 am - 2 am	-
Wednesday:	24 hours -	11 am - 2 am	-
Thursday:	24 hours -	11 am - 2 am	-
Friday:	24 hours -	11 am - 3 am	-
Saturday:	24 hours -	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-071077

License Class/Type: D Restaurant

Applicant: Bon Appetit Management Company

Trade Name: Bon Appetit Mgt. Co.

ANC: 3D

Has applied for the renewal of an alcoholic beverages license at the premises:

4400 MASSACHUSETTS AVE NW, Washington, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	11 am -12 am	-
Monday:	7 am - 11 pm	3 pm - 11 pm	-
Tuesday:	7 am - 11 pm	3 pm - 11 pm	-
Wednesday:	7 am - 11 pm	3 pm - 11 pm	-
Thursday:	7 am - 11 pm	3 pm - 11 pm	-
Friday:	7 am - 11 pm	3 pm - 11 pm	-
Saturday:	10 am - 12 am	11 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-010135

License Class/Type: C Club

Applicant: Diplomatic & Consular Officers Retired, Inc.

Trade Name: Diplomatic & Consular Officers Retired

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1801 F ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 9 pm	12 pm -9 pm	-
Monday:	12 pm - 9 pm	12 pm - 9 pm	-
Tuesday:	12 pm - 9 pm	12 pm - 9 pm	-
Wednesday:	12 pm - 9 pm	12 pm - 9 pm	-
Thursday:	12 pm - 9 pm	12 pm - 9 pm	-
Friday:	12 pm - 9 pm	12 pm - 9 pm	-
Saturday:	12 pm - 9 pm	12 pm - 9 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	12 pm - 9 pm	12 pm - 9 pm
Monday:	12 pm - 9 pm	12 pm - 9 pm
Tuesday:	12 pm - 9 pm	12 pm - 9 pm
Wednesday:	12 pm - 9 pm	12 pm - 9 pm
Thursday:	12 pm - 9 pm	12 pm - 9 pm
Friday:	12 pm - 9 pm	12 pm - 9 pm
Saturday:	12 pm - 9 pm	12 pm - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-001792

License Class/Type: C Multipurpose

Applicant: Trustees of Amherst College

Trade Name: Folger Theatre Group

ANC: 6B

Has applied for the renewal of an alcoholic beverages license at the premises:

201 EAST CAPITOL ST SE, Washington, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 pm - 9 pm	6 pm - 9 pm	-
Monday:	10 am - 9 pm	6 pm - 9 pm	-
Tuesday:	10 am - 9 pm	6 pm - 9 pm	-
Wednesday:	10 am - 9 pm	6 pm - 9 pm	-
Thursday:	10 am - 9 pm	6 pm - 9 pm	-
Friday:	10 am - 9 pm	6 pm - 9 pm	-
Saturday:	10 am - 9 pm	6 pm - 9 pm	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND

4/12/2013

Notice is hereby given that:

License Number: ABRA-001008

License Class/Type: C Club

Applicant: American Foreign Service

Trade Name: Foreign Service Club

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2101 E ST NW, Washington, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

RESCIND4/12/2013

Notice is hereby given that:

License Number: ABRA-077418

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: The Capital Elite

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW B, Washington, DC

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

5/28/2013

HEARING WILL BE HELD ON

6/10/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	6 pm - 2 am
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Friday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am
Saturday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

Posting Date: April 26, 2013
Petition Date: June 10, 2013
Hearing Date: June 24, 2013
Protest Hearing Date: August 14, 2013

License No.: ABRA-091948
Licensee: Rice Bar DC, Inc.
Trade Name: Rice Bar
License Class: Retailer's Class "C" Restaurant
Address: 1020 19th Street, N.W.
Contact: Chrissy Chang, 703-992-3994

WARD 2 ANC 2B SMD 2B06

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. The Protest Hearing Date is scheduled for 1:30pm on August 14, 2013.

NATURE OF OPERATION

New restaurant serving Korean fusion dishes such as mixed rice bowl and noodle soup. Taped background music. Occupancy load is 50. Summer Garden with 16 seats.

HOURS OF OPERATION

Sunday through Saturday 9:00 am – 2:00 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9:00 am – 2:00 am

HOURS OF OPERATION, SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

Sunday through Saturday 9:00 am – 2:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Notice is hereby given that:

License Number: ABRA-077418

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: The Capital Elite

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW B, Washington, DC

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/23/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	6 pm - 2 am
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Friday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am
Saturday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am

FOR FURTHER INFORMATION CALL (202) 442-4423

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 13-13: George M. Lightfoot House
1329 Missouri Avenue NW
Square 2792, Lot 803

Case No. 13-14: Sterrett Residence
3530 Springland Lane, NW
Square 1959, Lot 20

The hearing will take place at **9:00 a.m. on Thursday, June 27, 2013**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10A DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JULY 9, 2013
441 4TH 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 SIX

18581 **Application of Jason W. Maroney**, pursuant to 11 DCMR § 3104.1, for a
ANC-6C special exception to allow an addition to the rear of an existing row
dwelling under section 223, not meeting the lot occupancy (section 403)
and rear yard (section 404) requirements in the R-4 District at premises 14
5th Street, N.E. (Square 816, Lot 839).

WARD SIX

18580 **Application of Salome Tinker**, pursuant to 11 DCMR § 3103.2, for a
ANC-6C 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 a second story addition to an existing row dwelling in the R-4
District at premises 331 L Street, N.E. (Square 774, Lot 805).

WARD TWO

18579 **Application of Roman Catholic Archbishop of Washington**, pursuant
ANC-2E to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the lot occupancy
requirements under section 403, and special exceptions from subsections
411.3 and 411.5, from the roof structure requirements for an addition to a
private school, and special exceptions for a private school and child
development center under sections 205 and 206, to allow a student
enrollment cap of 350 students and 70 staff in the R-3 District at premises
3514 O Street, N.W. (Square 1227, Lot 95).

BZA PUBLIC HEARING NOTICE

JULY 9, 2013

PAGE NO. 2

WARD THREE

18582 **Application of AE Tower LLC and RE Opal LLC**, pursuant to 11
ANC-3B DCMR § 3103.2, for a variance from the off-street parking requirements
under subsection 2101.1, to constrict an eight (8) unit apartment house in
the NO/C-2-A District at premises 2140 Wisconsin Avenue, N.W. (Square
1300, Lot 320).

WARD SIX

18584 **Application of Stjepan Sostaric on behalf of Greater Washington**
ANC-6B **Animal Services Inc., d/b/a City Dogs**, pursuant to 11 DCMR §§ 3104.1
and 3103.2, for a special exception to allow animal boarding under section
735, and a variance for accessory pet grooming for dogs under subsection
735.2, in the C-2-A at premises 1310 Pennsylvania Avenue, S.E. (Square
1043, Lot 865).

WARD ONE**THIS APPLICATION WAS POSTPONED FROM THE DECEMBER 11, 2012,
JANUARY 29, 2013, AND APRIL 23, 2013, PUBLIC HEARING SESSIONS:**

18459 **Application of Quiton Cooper**, pursuant to 11 DCMR § 3104.1, for a
ANC-1B special exception to allow additions (cellar, third floor and roof
penthouse/deck) to an existing one-family semi-detached dwelling under
section 223, not meeting the lot occupancy (section 403), rear yard
(section 404), side yard (section 405) and court (section 406) requirements
in the R-4 District at premises 513 U Street, N.W. (Square 3079, Lot 28).

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,

BZA PUBLIC HEARING NOTICE

JULY 9, 2013

PAGE NO. 3

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 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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th 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.**

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 09-03A
PAGE 2

- internal above-grade parking garage which will provide retail parking for Blocks 2, 3, and 4 as well as residential parking spaces for the residents of Block 2.
- Creation of a new covered private alley system which will provide through travel lanes from Naylor/Good Hope Roads to the internal Main Street.
 - Removal of the vehicular slip lane along Naylor/Good Hope Roads which provided vehicular access into the project.
 - Improvement of pedestrian access to the site.
 - Addition of a green roof, photovoltaic panels and outdoor amenity space on the roof of the building.
 - Refinements to the loading and trash area.
 - Elimination of a paseo.

PROPOSED CHANGES TO BLOCK 3

- Increased depth of the retail space and residential building along Alabama Avenue.
- Replacement of seven townhouse units with six carriage house units.
- Elimination of structured parking, with the relocation of the retail parking for Block 3 to the central parking garage in Block 2

PROPOSED CHANGES TO BLOCK 4

- Elimination of the structured parking garage, with the relocation of the retail parking for Block 4 to the central parking garage in Block 2.

PROPOSED CHANGES TO BLOCK 5

- Re-alignment of the intersection of the private residential street and Alabama Avenue.
- Removal of the RCN switching equipment building.
- Removal of five townhouses, which results in an increased green buffer along the northern edge of Residential Street

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.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 09-03A
PAGE 3

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. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 140 – 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.

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.

**Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 09-03A
PAGE 4**

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th 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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Monday, June 3, 2013, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-02 (Jemal's Hecht's, LLC – Map Amendment @ Square 4037)

THIS CASE IS OF INTEREST TO ANC 5D

On January 16, 2013, the Office of Zoning received an application from Jemal's Hecht's, LLC (“Applicant”), requesting approval of map amendment to rezone the eastern portion of its property at 1401-1535 New York Avenue, N.E., Washington, D.C., (Square 4037, Lots 7 and 804) from the C-M-2 to the C-M-3 Zone District. The Office of Planning provided its report on February 13, 2013, and the case was set down for hearing on February 25, 2013. The Applicant provided its prehearing statement on March 11, 2013.

The property that is the subject of this application consists of approximately a total land area of 384,361 square feet, or approximately 8.8 acres and is located on the south side of New York Avenue, N.E., and is bounded by Fenwick Street, N.E., on the west, Okie Street, N.E., on the south and 16th Street, N.E., on the east. Only the eastern portion of the site is proposed for rezoning, as shown on Exhibit 3B to the record.

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.

¹ At a Special Public Meeting held on April 18, 2013, the Commission granted a rescheduling of the hearing from May 23rd to June 3rd and a publication period of 38 days instead of 40 days.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 13-02
PAGE 2

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.** 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. **Any documents or materials to be filed in this case must be submitted online using the Interactive Zoning Information System ("IZIS"), which may be accessed through the Office of Zoning website.**

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.

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.

**Z.C. PUBLIC HEARING NOTICE
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Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th 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 DEPARTMENT OF THE ENVIRONMENT**NOTICE OF THIRD PROPOSED RULEMAKING****Regulations to Implement the Lead Hazard Prevention and Elimination Act of 2008
and the Lead Hazard Prevention and Elimination Amendment Act of 2010**

The Acting Director of the District Department of the Environment (DDOE), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.* (2008 Repl. & 2012 Supp.)), the Childhood Lead Screening Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-265; D.C. Official Code § 7-871.03 (2012 Supp.)), the Transfer of Lead Poison Prevention Program to the District Department of the Environment Amendment Act of 2008, effective August 18, 2008 (D.C. Law 17-219; 55 DCR 7602 (July 18, 2008)), the Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01 *et seq.* (2012 Supp.)), Mayor's Order 2009-113, dated June 18, 2009, and the Lead Hazard Prevention and Elimination Amendment Act of 2010 ("2011 Amendments"), effective March 31, 2011 (D.C. Law 18-348; 58 DCR 717 (January 28, 2011)), collectively referred to as the "Acts", hereby gives notice of the intent to adopt the proposed rulemaking to add a new Chapter 33, entitled Regulation of Lead-Based Paint Activities, to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

In addition, this rulemaking document includes two (2) proposed amendments to the regulations governing the Childhood Lead Poisoning Prevention Program, located in Chapter 73 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR). The D.C. Council transferred the Childhood Lead Poisoning Prevention Program, formerly with the Department of Health, to DDOE in 2008. The first amendment to the screening rules would make the rules conform to the "Childhood Lead Screening Amendment Act of 2006," effective March 14, 2007 (D.C. Law 16-265; D.C. Official Code § 7-871.03 (2012 Supp.)). Consistent with current standard practices nationwide, the second proposed amendment to the screening rules would limit the method by which laboratories are required to report blood lead data to the Childhood Lead Poisoning Prevention Program.

Lead is a powerful neurotoxin that can produce irreversible health effects for those who are exposed to it. Children younger than six (6) years old and pregnant women are particularly at risk for harm caused by lead poisoning. Lead is prevalent in paint sold before 1978, the year that the Consumer Product Safety Commission banned its use for residential purposes. More than eighty percent (80%) of the District of Columbia's housing stock was built prior to 1978. The federal government considers the District a high-risk jurisdiction with respect to the likelihood of the presence of lead paint in residential housing.

It is generally acknowledged that lead safety can be increased by property owners maintaining paint in intact condition, and by ensuring that contractors and others who disturb paint in or on pre-1978 structures use lead-safe work practices, thereby preventing lead-based paint hazards from being generated. The proposed regulations establish the legal landscape that promotes these desired outcomes.

I. Summary of the Proposed Rules and the Acts

The proposed rules will allow DDOE to fulfill the intent of the Acts in a manner that is effective and protective of public health, without unduly burdening the regulated community. These proposed rules implement provisions of the Acts, which require all dwelling units, common areas of multifamily properties, and child-occupied facilities constructed before 1978 to be maintained free of lead-based paint hazards.

The Acts require property owners to disclose the presence of any lead-based paint or lead-based paint hazards “reasonably known to the owner” before a tenant or purchaser may be obligated on a lease or contract of sale. Owners must also disclose if there is any District government action pending against the owner related to enforcement of the Acts. Under certain circumstances, in tenant households that include a child under the age of six (6) or a pregnant woman, either as a member of the household or as a regular visitor to the home, the owner is required to provide the tenant with a clearance report that confirms lead safety.

The Acts and the proposed rules mandate that lead-safe work practices be followed when any worker is involved in eliminating lead-based paint hazards or in disturbing any paint on any pre-1978 residential property or child-occupied facility. When lead-based paint hazards are being eliminated, the proposed rules require clearance procedures after the work has been completed, to ensure the hazards have been effectively eliminated. The scope of those clearance procedures varies, based upon the specific circumstances triggering the hazard elimination activities.

The Acts and § 3317 of the proposed rules implement the procedures governing access by DDOE personnel, landlords, and their agents to properties under the Acts. DDOE has the authority to inspect property reasonably believed to be subject to the Acts.

The Acts establish certain basic certification requirements for each of the particular disciplines that perform lead-based paint activities. DDOE proposes additional criteria and procedures for certification in § 3307. The proposed rules continue the current requirement that an abatement permit be obtained before performing abatement, but also establishes three discrete exceptions to those requirements, as specified in § 3316.2. The proposed rules also clarify in § 3316 when the raze or demolition of a pre-1978 building triggers an abatement permit.

DDOE may enforce the law through issuance of a Notice of Violation and an Order to Eliminate Lead-Based Paint Hazards, which require the owner to perform specific measures for elimination of any identified lead-based paint hazards and underlying conditions, or any other action necessary to protect the health and safety of the property occupants, including relocation. The proposed rules further define the instances in which the District government is authorized to seek reimbursement for its costs, including reimbursement for the costs of taking any action when the owner has failed to comply with DDOE directives. Reimbursement for costs is in addition to any fines or other penalties that may be imposed on the owner.

II. First Proposed Regulations Published on July 22, 2011

DDOE published proposed regulations to implement the Acts on July 22, 2011 (58 DCR 6035). Public review of these proposed regulations during the 30-day comment period included several meetings DDOE staff held with stakeholders. Public comments received by DDOE regarding the July 22, 2011 Proposed Rules (hereinafter “July 2011 rulemaking”) contained requests for substantive changes. DDOE reviewed and considered all comments received, and also took into account comments aired at the stakeholder meetings.

Some of the commenters argued for viable alternative approaches, some of which were incorporated into the second set of proposed regulations. In so doing, DDOE also consulted with key sister agencies, such as the Department of Consumer and Regulatory Affairs and the Office of the Tenant Advocate. DDOE also decided to re-organize the proposed regulations into a new sequence that conforms more closely to the standard format for regulations.

III. Second Proposed Set of Regulations Published on August 31, 2012

Draft revisions to the July 2011 rulemaking were placed on DDOE’s website on April 3, 2012, and notification that they were available for public scrutiny was sent that same day to hundreds of stakeholders, including lead training providers, abatement contractors, lead-based paint inspectors and risk assessors, lead project designers, residential property owners and managers, the DC Building Industry Association (DCBIA), the Apartment and Office Building Association (AOBA), and environmental health advocates. This stakeholder notification also included an invitation to review the draft revisions and attend a broad, informal meeting on April 18, 2012, at which DDOE would present its draft revisions to the July 2011 rulemaking and receive additional feedback regarding the draft revisions and any changes offered by participants for DDOE’s consideration. The April 18 meeting was attended by a broad array of stakeholders. DDOE also held an April 24, 2012 meeting, requested by AOBA, to afford AOBA members and staff an opportunity to comment on the draft revisions and propose other changes. On May 16, AOBA submitted additional written comments to DDOE.

DDOE reviewed and thoroughly considered all comments received on the July 2011 rulemaking, the April 3, 2012 draft revisions, and at the public meetings. Overall, stakeholders provided valuable insights and feedback, enabling DDOE to refine and significantly improve its earlier proposed rule and draft revisions. The second proposed regulations were published on August 31, 2012 and superseded those published on July 22, 2011. The public comment period was extended for an additional 30 days, to November 1, 2012, in response to requests by several stakeholders.

IV. Third Proposed Rulemaking

DDOE again received extensive comments on the second proposed rulemaking, which resulted in a number of significant amendments to this third proposed rulemaking, summarized as follows:

A. Statutory Presumption of Lead-Based Paint

The second proposed rulemaking stated that there was a statutory presumption that lead-based paint exists in the interior and exterior of dwelling units and child-occupied facilities as well as common areas of multifamily properties, constructed prior to 1978. In response to a comment, DDOE reviewed the statutory language and found that the presumption does not apply to common areas of multifamily properties. Accordingly, § 3301.1 was revised to reflect that the presumption of lead-based paint in pre-1978 properties does not extend to common areas of multifamily dwelling units.

B. Additional Lead-Safe Work Practices and Prohibited Practices

DDOE accepted the recommendations of two commenters who offered specific language in § 3302 to make the section more consistent with federal regulations. DDOE also adopted a commenter's suggestion that the rules should explicitly prohibit the use of new paint containing lead above the regulatory limit required by the US Consumer Product Safety Commission, and inserted that provision in § 3304.2.

C. Revision of Certification Requirements for Lead-Based Paint Inspectors

One commenter recommended deleting the educational background requirements for an individual applying to become a lead-based paint inspector, in § 3307.3. The comment noted that federal regulations do not impose educational background requirements for inspectors. DDOE deleted those educational prerequisites, but retained its proposed requirements pertaining to relevant experience in assisting with lead-based paint inspections, to help assure a minimum standard of competence for the lead-based paint inspector position.

D. Advance Notice to DDOE of Dust Sampling

Several commenters expressed concern that the proposed requirement that DDOE be provided advance notice prior to any dust sampling taking place would be unduly onerous for the regulated community and would result in a significant administrative burden for DDOE. One commenter suggested that advance notice to DDOE be required in instances of sampling activities related only to enforcement actions, and DDOE decided to take this approach. Accordingly, the advance notice requirement appears only in §§ 3315.7, 3316.10(d) and 3318.7(c).

E. Limited Exterior Dust and Soil Sampling

One commenter recommended eliminating exterior dust and soil sampling from proposed clearance examination protocols, or at least limiting such sampling to the property subject to the clearance requirement. DDOE chose the latter course, limiting §§ 3310.4(c), 3316.11(c)(4) and (c)(5), and § 3318.7(a)(6) and (a)(8) accordingly, and eliminating the requirement altogether from § 3316.10.

F. Consistent Clearance Report Submission Deadlines

One commenter urged DDOE to impose clearance report submission deadlines that reflect the same time limit throughout the proposed regulations, regardless of the type of activity to which the clearance report is associated. DDOE did so, establishing a seven (7)-day deadline for submitting any clearance report to the agency.

G. Revised Renovation Requirements

One commenter asked that provisions be added to § 3310 to exempt properties from the renovation permit requirement, provided the owner is able to document in a manner consistent with EPA regulations that the properties in question do not contain any lead-based paint. In response, DDOE added § 3310.3. A commenter also recommended that DDOE specify that renovation activities that qualify as “emergency renovations” pursuant to federal regulations be exempt from pre-renovation education, documentation and other relevant requirements. In response, DDOE added §§ 3310.10, 3310.11 and 3310.13.

H. Capped Fees

One commenter pointed out that other jurisdictions have capped their lead-related permit fees at a maximum of \$500 and recommended that DDOE do so as well. Accordingly, DDOE set a proposed regulatory cap of \$500 for its lead-related permits, at §§ 3322.5 and 3322.6.

I. Amended Definitions

Two commenters pointed out that the proposed definition for “Regularly Visits” was problematic, and they both recommended changes. DDOE chose to amend this provision to be consistent with the EPA’s definition of the same term. In addition, DDOE decided to define the previously undefined term, “Work Area,” given its significance in a variety of provisions in these proposed regulations.

Finally, The Acting Director gives notice of intent to take final rulemaking notice in not less than 30 days after publication of this third notice of proposed rulemaking in the *D.C. Register*.

TITLE 20 DCMR (ENVIRONMENT) is amended as follows:

CHAPTER 8 (ASBESTOS, SULFUR, NITROGEN OXIDES AND LEAD) is amended by repealing Section 806 (CONTROL OF LEAD).

A new CHAPTER 33 (REGULATION OF LEAD-BASED PAINT ACTIVITIES) is added to read as follows:

3300 GENERAL

3300.1 This chapter governs lead-based paint hazard elimination and prevention activities in the District of Columbia and implements the Lead Hazard Prevention and Elimination Act of 2008 and the Lead Hazard Prevention and Elimination Amendment Act of 2010 (“the Acts”).

3300.2 The Acts and these regulations require owners of the following structures in the District of Columbia built before 1978 to be maintained free of lead-based paint hazards:

- (a) Residential dwelling units, including those in multifamily properties;
- (b) Common areas of multifamily properties; and
- (c) Child-occupied facilities, such as daycare centers, preschool programs, or kindergarten classrooms.

3301 PRESUMPTION OF LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

3301.1 The interior and exterior of dwelling units and child-occupied facilities are presumed to contain lead-based paint if constructed prior to 1978, and any paint that is deteriorated, chipping, peeling, or otherwise not in intact condition is considered to be a lead-based paint hazard and is prohibited.

3301.2 This presumption may be rebutted by a lead-based paint inspection report, prepared by a lead-based paint inspector or a risk assessor, which documents that the paint in question is not lead-based paint.

3301.3 The presence of deteriorated paint in residential premises and child-occupied facilities constructed prior to 1978, which constitutes a lead-based paint hazard if no documentation is produced proving it is not lead-based paint, shall trigger enforcement action.

3302 LEAD-SAFE WORK PRACTICES: GENERAL

- 3302.1 Except as provided in § 3303, or if a dwelling unit qualifies as a “lead-free unit” in accordance with either § 3314.5, § 3314.6 or § 3314.7, any individual, firm or entity engaged in an activity that disturbs a painted surface and that by so doing may generate a lead-based paint hazard, such as paint chips, dust, or debris, shall use lead-safe work practices as set forth in this chapter and D.C. Official Code § 8-231.11 whenever the property or facility was built prior to 1978.
- 3302.2 Except as provided in § 3303, the use of lead-safe work practices, as set forth in this chapter and D.C. Official Code § 8-231.01 *et seq.*, is required of individuals, firms, or business entities performing renovation, remodeling, maintenance, repairs, gut rehab, demolition, carpentry, HVAC, roofing, siding, plumbing, painting, or electrical work, inside or on the exterior surfaces of a dwelling unit or a child-occupied facility, if there is a danger of lead-based paint hazards being generated.
- 3302.3 An owner, individual, firm, or business entity shall:
- (a) Prepare interior work areas by removing personal belongings, rugs, and window coverings, or by covering same with plastic whose seams and edges are taped or otherwise sealed;
 - (b) Prepare exterior work areas by removing any moveable items or by covering them with plastic whose seams and edges are taped or otherwise sealed;
 - (c) Post signs that clearly define each work area, warn occupants and others who are not involved in the work to remain outside of the work area, to the extent practicable are in the primary language of the occupants, are posted before the work begins, and remain readable and in place until the work has been completed, including the completion of the appropriate cleaning verification process;
 - (d) Use plastic sheeting to isolate contaminated rooms from non-contaminated rooms;
 - (e) Keep all plastic sheeting in place until after the cleaning and removal or other sheeting;
 - (f) Dispose of any plastic sheeting as waste;
 - (g) Cover the floor and any furniture with a taped-down plastic covering or other impermeable material that will not tear easily;
 - (h) Close all windows and doors in the work area;

- (i) For interior work, the secure covering shall extend at least six feet (6 ft.) beyond the perimeter of surfaces where work that disturbs painted surfaces is taking place;
- (j) For exterior work, cover the soil, grass, or concrete with a taped-down or otherwise secured plastic sheeting or other disposable impermeable material that will not tear easily, and extend the covering to at least ten feet (10 ft.) beyond the perimeter of surfaces where work that disturbs painted surfaces is taking place;
- (k) For work that will affect surfaces within ten feet (10 ft.) of the property line, erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the work does not contaminate adjacent buildings or migrate to adjacent properties;
- (l) Isolate interior work areas so that no dust or debris leaves the work areas while work is being performed, while ensuring that such containment does not interfere with occupant and worker egress in case of an emergency;
- (m) Maintain the integrity of the containment by ensuring that any plastic sheeting or other impermeable materials are not torn or displaced;
- (n) For exterior work, close all doors and windows within twenty feet (20 ft.) of any area where work that disturbs painted surfaces is taking place, and on multi-story buildings, close all doors and windows within twenty feet (20 ft.) of such work area on the same floor as the work area, and close all doors and windows on all floors below that are the same horizontal distance from the work area;
- (o) Take reasonable measures to ensure all work clothes, shoes, tools, and other items, including the exteriors of waste containers, are free of dust and debris before workers exit or items are removed from the work area;
- (p) Cover doors located within the area of containment with plastic so that workers can pass through, while confining dust and debris to the work area;
- (q) Take the necessary precautions in containing the work area to ensure no dust or debris leaves the work area while work is being performed or contaminates other buildings or other areas of the property or migrates over to neighboring properties or structures;
- (r) Use a spray bottle to mist any painted surfaces with water prior to scraping, sanding, drilling, or cutting any painted surfaces;
- (s) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;

- (t) At least once at the end of each work day, spray-mist and collect all paint chips and debris and seal them in a heavy-duty bag that will not tear easily, without dispersing any paint chips or debris;
- (u) Upon completion of work disturbing painted surfaces, spray-mist and fold all plastic coverings, dirty-side inwards, taping the folded plastic coverings shut or sealing them in heavy-duty bags that do not tear easily;
- (v) At the end of each work day and at the conclusion of all work, store all waste that has been collected under containment in an enclosure or behind a barrier that prevents release of dust and debris out of the work area and that prevents access to dust and debris;
- (w) Cover any chute, if one is used to remove waste from the work area, to prevent any of the waste from escaping and dispersing;
- (x) Contain all waste, when it is being transported from the work areas, to prevent any release of dust or debris;
- (y) Upon completion of work disturbing painted surfaces, clean all objects and surfaces in the work area and within two feet (2 ft.) of the work area, in adherence with the specific methods and requirements prescribed in 40 CFR § 745.85(a)(5); and
- (z) Ensure that the work area and those areas within two feet (2 ft.) of the work area have no visible dust or debris left after the final work area cleanup has been completed.

3302.4

In addition, any owner, individual, firm, or business entity shall:

- (a) Comply with the following work practice standards, as applicable:
 - (1) Work practice standards in 40 CFR § 745.226 and 40 CFR § 745.227, or any successor regulation of EPA;
 - (2) U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) standards relating to lead, including those standards found at 29 CFR § 1926.62 and 29 CFR § 1910.1025, and any successor regulations;
 - (3) U.S. Department of Housing and Urban Development (HUD) Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities contained in 24 CFR part 35, and any successor regulations; and
 - (4) Any other standards required under this chapter;

- (b) Adhere to the prohibition of unsafe practices listed at 24 CFR § 35.140 and with § 3304 of these rules;
- (c) Prevent paint dust, chips, debris, or residue from being dispersed onto adjacent property or increasing the risk of public exposure to lead-based paint; and
- (d) Adhere to other requirements for renovations listed in 40 CFR §§ 745.80 through 745.92, including the standards for post-renovation cleaning verification and the reporting and recordkeeping requirements.

3303 LEAD-SAFE WORK PRACTICES: EXCEPTIONS

3303.1 The lead-safe work practices in § 3302 are not required for the following:

- (a) Individuals who perform lead-based paint activities in residences that they own; provided, that the residence is occupied by the owner or by the owner's immediate family, and there is no child under six (6) years of age and no pregnant woman residing therein; and
- (b) Performance of maintenance, repair, or renovation work resulting in disturbances of lead-based paint in a total of two square feet (2 sq. ft.) or less of surface area per interior room, or twenty square feet (20 sq. ft) or less of exterior surface area, provided such work does not include full or partial window removal or replacement, which activities shall always trigger the use of lead-safe work practices.

3304 PROHIBITED PRACTICES

3304.1 The practices listed in this subsection are prohibited when performing any lead-based paint activity or any renovation activity that disturbs presumed lead-based paint. No individual, firm or business entity shall use:

- (a) Open flame burning or torching of paint;
- (b) Machine sanding, planing, or grinding, or use of a needle gun to remove paint or other surface coatings, without a high-efficiency particulate air (HEPA) local exhaust control and without a shroud or containment system that allows no visible dust or release of air to occur outside the shroud or containment system;
- (c) Abrasive blasting, water blasting, or sandblasting without HEPA local exhaust control or an effective containment system;
- (d) Heat guns operating at or above eleven hundred degrees Fahrenheit (1100°F) or charring the paint;
- (e) Dry sanding or dry scraping, except:

- (1) Dry scraping within one foot (1 ft.) of electrical outlets;
- (2) Dry scraping in conjunction with heat guns operating below eleven hundred degrees Fahrenheit (1100°F); or
- (3) Dry scraping when treating defective paint spots totaling no more than two square feet (2 sq. ft) in any one interior room or space;
- (f) Methylene chloride;
- (g) Stripping paint in a poorly ventilated space using a volatile stripper that is a hazardous substance as defined in 16 CFR § 1500.3, or any chemical that is a physical hazard or a health hazard; and
- (h) Scraping, sanding, drilling into, cutting, or otherwise disturbing more than two square feet (2 sq. ft.) of paint in or on a residential property or a child-occupied facility built before 1978 without the use of appropriate containment measures.

3304.2 No individual, firm or business entity shall apply paint with a lead content of more than 0.009 percent (0.009%), in accordance with 16 CFR § 1303.1.

3305 ACCREDITATION OF TRAINING PROVIDERS

3305.1 A training provider shall be accredited separately for each training and refresher course offered by that training provider. The courses requiring accreditation are those for the following disciplines: lead-based paint inspector, risk assessor, abatement worker, abatement supervisor, lead project designer, renovator, and dust sampling technician. To receive accreditation, a training provider shall:

- (a) Comply with the accreditation requirements set forth in 40 CFR § 745.225, except for § 745.225(c)(8)(iv);
- (b) Submit an application to DDOE for accreditation approval, or provide proof of prior accreditation by EPA, or a state EPA approved accredited training provider that contains the information required for each individual course set forth in 40 CFR § 745.225;
- (c) Submit all course materials; and
- (d) Pay the appropriate fee pursuant to § 3322.7, except as provided for in § 3305.7.

3305.2 Accreditation of a training provider by DDOE shall expire thirty-six (36) months from the date of its issuance.

- 3305.3 A training provider shall notify DDOE no less than one (1) week in advance of each course being offered, including name of instructor and course, and location, date and time of the training, shall notify DDOE as soon as practicable of any changes thereto, and shall obtain written approval from DDOE of the proposed changes prior to execution of the changes.
- 3305.4 A training provider shall notify DDOE of a cancellation of a course at least one (1) business day before the date the training was scheduled.
- 3305.5 A training provider shall forward to DDOE, by mail, email, or fax, a copy of each certificate awarded to any student who successfully completes training, or a list of the students who receive a certificate for successfully completing a particular training course, within one (1) week after issuance of such certificate, and shall keep such records for at least six (6) years.
- 3305.6 A training provider shall provide DDOE with at least two (2) weeks advance notification of any change in key staff, which for purposes of this subsection shall be limited to the training manager and the principal course instructor(s), or such shorter notice as may be required by the circumstances related to the change in key staff.
- 3305.7 A training provider shall be exempt from payment of an accreditation application fee if the training provider is a District Government agency or is a non-profit 501(c)(3) organization whose primary place of business is in the District of Columbia.
- 3305.8 DDOE shall accredit a training provider that already has been accredited by EPA, on a reciprocity basis, without a complete application; provided, that the training provider:
- (a) Submits a copy of all course materials; and
 - (b) Pays the appropriate fee pursuant to § 3322.7, except as provided for in § 3305.7.
- 3305.9 All applications completed pursuant to this section shall be reviewed and acted on within thirty (30) days of their receipt by DDOE.
- 3305.10 DDOE-accredited training providers shall issue course completion certificates that expire two (2) years from the course date for individuals certified in the District of Columbia, except for renovators and dust sampling technicians, whose certificates shall expire five (5) years from the course date.
- 3305.11 DDOE-accredited training providers that offer a refresher course for risk assessors shall allocate an appropriate amount of the course time for the essential elements of both the initial inspector and the initial risk assessor curriculum.

3305.12 DDOE-accredited training providers that offer a refresher course for lead-based paint inspectors, risk assessors, dust sampling technicians, renovators, abatement workers or abatement supervisors shall include a discipline-appropriate hands-on component in each such refresher course.

3306 CERTIFICATION REQUIREMENTS FOR INDIVIDUALS PERFORMING LEAD-BASED PAINT HAZARD IDENTIFICATION AND ELIMINATION ACTIVITIES OR RENOVATION ACTIVITIES: GENERAL

3306.1 Before an individual may perform a lead-based paint activity, clearance examination, or renovation in a dwelling unit or child-occupied facility built before 1978, an individual shall obtain the appropriate certification from DDOE and comply with this section, and with §§ 3307 or 3308, as applicable.

3306.2 Each applicant for certification shall submit to DDOE the following documents for use in consideration of the applicant's qualification for certification:

- (a) Official academic transcripts or diplomas, as evidence of meeting the pertinent education requirements;
- (b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the pertinent work experience requirements; and
- (c) Course completion certificates from lead-specific or other relevant training courses, issued by an accredited training program, as evidence of meeting the pertinent training requirements.

3306.3 DDOE shall certify an applicant as a lead-based paint inspector, risk assessor, lead project designer, abatement worker or supervisor, dust sampling technician, or renovator if the application is complete and the applicant satisfies the requirements of this chapter and the Acts, successfully completes the pertinent course, and pays the appropriate certification fee to DDOE, in accordance with § 3322, within five (5) business days of receipt of the complete application package. Payment of a certification fee pursuant to § 3322 shall be waived if the applicant is applying as an employee of a District agency.

3306.4 Except as provided in §3321.04, to maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by DDOE in that discipline, provided the individual has completed the appropriate training course, either refresher or initial as applicable, through an EPA- or DDOE- accredited training provider, or from another EPA-authorized, state-accredited training provider.

3306.5 An individual seeking certification renewal shall submit the application materials and shall pay the appropriate certification renewal fee to DDOE, in accordance with § 3322, at least five (5) business days before their certification expires. Payment of such fee shall be waived if the applicant is an employee of a District agency.

3306.6 Upon receiving DDOE certification, an individual conducting renovation or lead-based paint activities shall comply with the provisions of §§ 3302 and 3304 and all other applicable laws.

3306.7 If the individual seeking renewal of certification fails to complete the refresher course before the expiration date of their current certification, as required in § 3306.4, or within ninety (90) days after such expiration date, the individual shall re-take the initial course to become certified again.

3307 CERTIFICATION OF INDIVIDUALS: SPECIFIC REQUIREMENTS

3307.1 Except as provided in § 3312.1, the following disciplines are required to be certified by DDOE before performing a renovation, a clearance examination, or any lead-based paint activity except for interim controls, in a dwelling unit or child-occupied facility built before 1978:

- (a) Risk Assessor;
- (b) Lead-Based Paint Inspector;
- (c) Abatement Worker;
- (d) Abatement Supervisor;
- (e) Certified Renovator;
- (f) Dust Sampling Technician; and
- (g) Lead Project Designer.

3307.2 Except as provided under § 3308, an applicant for certification seeking to engage in lead-based paint activities as a lead-based paint inspector, risk assessor, dust sampling technician, lead abatement worker, supervisor, or lead project designer, shall:

- (a) Submit an application to DDOE by mail, online, or in person, demonstrating that the individual meets all requirements of this section for the particular discipline for which certification is sought;
- (b) Complete an EPA- or DDOE-accredited course in the appropriate discipline and receive a course completion certificate from the training provider;
- (c) Pass the third-party certification exam offered by DDOE, if one is required in the appropriate discipline;

- (d) Pass the DDOE-administered exam, if one is required, that tests the applicant's knowledge of the District's relevant legal requirements pertaining to the relevant discipline; and
- (e) Pay DDOE the appropriate certification fee required under § 3322.

3307.3

An applicant for certification as a lead-based paint inspector shall:

- (a) Successfully complete an accredited initial training course for lead-based paint inspectors and provide a course completion certificate from a DDOE-accredited training provider; and
- (b) Provide the following set of information, unless provided with a DDOE waiver for this requirement, based upon a DDOE determination that other alternative prior work experience submitted instead by the applicant for consideration is sufficiently comparable:
 - (1) A list of twenty (20) different addresses where the applicant has assisted in lead-based paint inspections with a certified lead-based paint inspector, which shall include the following information:
 - (A) Address of each property, including unit number if applicable;
 - (B) Type of activities conducted at each property, such as an X-Ray Fluorescence Analyzer ("XRF") survey, paint chip sampling, dust sampling, or soil sampling;
 - (C) Date that each activity took place, and name of certified lead-based paint inspector the applicant assisted with each activity;
 - (D) Detailed description of how the applicant assisted; and
 - (E) A signed and dated reference by each certified lead-based paint inspector that the applicant assisted, confirming that based on the assistance the applicant provided, the applicant is knowledgeable about and capable of conducting lead-based paint inspections and adhering to federal, state, and local regulations.

3307.4

An applicant for certification as a risk assessor shall:

- (a) Successfully complete an accredited initial training course for lead-based paint inspectors and a DDOE accredited initial training course for risk assessors, and provide documentation of one (1) of the following:

- (1) A bachelor's degree and one (1) year of experience in a related field, such as lead, asbestos, or other environmental hazard identification or remediation work, or in construction;
 - (2) An associate's degree and two (2) years of experience in a related field, such as lead, asbestos, or other environmental hazard identification or remediation work, or in construction;
 - (3) A high school diploma or its equivalent, and at least three (3) years of experience in a related field, such as lead, asbestos, or other environmental hazard identification or remediation work, or in construction; or
 - (4) Certification as an industrial hygienist, professional engineer, or registered architect, or as another environmental or construction-related professional; and
- (b) Demonstrate that the applicant's skills are directly transferable to the job activities a risk assessor is typically engaged in, and provide the following set of information, unless provided with a DDOE waiver for this requirement, based upon a DDOE determination that other alternative prior work experience submitted instead by the applicant for consideration is sufficiently comparable:
- (1) A list of ten (10) different addresses where the applicant has conducted work while certified as a lead-based paint inspector, which shall include the following information:
 - (A) Address of each property, including unit number if applicable;
 - (B) Type of activity conducted at each property, such as an XRF survey, paint chip sampling, dust sampling, or soil sampling;
 - (C) Date each activity took place; and
 - (D) Signature of supervisor or other senior management who confirms that each activity being vouched for took place as described by the applicant.

3307.5

An applicant for certification as an abatement supervisor shall demonstrate that he or she has skills directly transferable to the job activities for a supervisor, based upon:

- (a) At least one (1) year of experience as a certified lead-based paint abatement worker; or

- (b) At least two (2) years of experience in a related field, such as lead, asbestos, or environmental hazard identification or remediation work, or in construction.

3307.6 An applicant for certification as a lead project designer shall provide documentation of the following:

- (a) A bachelor's degree in engineering, architecture, or a related profession, and one (1) year of experience in building construction and design or a related field; or
- (b) At least four (4) years of experience in building construction and design.

3307.7 An applicant for certification as a renovator shall successfully complete the EPA-accredited renovator course and be certified by EPA as a renovator, or successfully complete the DDOE-accredited renovator course.

3307.8 An applicant for certification as a dust sampling technician shall:

- (a) Successfully complete the DDOE-accredited dust sampling technician course;
- (b) Document completion of the course by submitting a certificate to DDOE; and
- (c) Pass a DDOE-administered exam that tests the applicant's knowledge of the District's relevant legal requirements pertaining to dust sampling technicians.

3307.9 An abatement worker applicant need not provide prior experience or education documentation.

3307.10 An individual who successfully completes a DDOE-accredited lead-based paint inspector or risk assessor course may take a DDOE-accredited refresher dust sampling technician course in lieu of the initial training required by § 3307.8(a) to become a dust sampling technician.

3307.11 A certification issued to an individual by DDOE as a lead-based paint inspector, risk assessor, lead project designer, abatement worker, or supervisor under this section shall expire two (2) years from the date of issuance, and a certification for renovator or dust sampling technician shall expire five (5) years from the date of initial issuance.

3308 CERTIFICATION BY RECIPROACITY

3308.1 Submission of a current, valid certification for any discipline requiring certification under § 3307 that is issued by EPA or another EPA approved state program is sufficient for certification in the District of Columbia if the applicant

meets all other requirements of this section and submits a completed DDOE Application for Lead-Based Paint Certification form.

3308.2 An applicant for certification by reciprocity shall:

- (a) Pass a DDOE examination that tests knowledge of the legal requirements specific to the District of Columbia;
- (b) Have a valid DCRA license to do business in the District of Columbia, if one is required; and
- (c) Pay the applicable certification fee required by this chapter, along with an additional \$50 fee to cover DDOE costs to verify and confirm valid status of certification issued by EPA or by another EPA approved state program.

3308.3 DDOE certification based on reciprocity shall expire on the same date as that of the certification upon which the approval is based, but no more than two (2) years from date of issue by the District government, except that DDOE certification for renovators and dust sampling technicians shall expire no more than five (5) years from date of issue by the District government.

3309 DUST SAMPLING TECHNICIAN REQUIREMENTS

3309.1 A dust sampling technician shall:

- (a) Have in their possession at any job site a copy of their DDOE-issued certification card or their EPA-issued certificate; and
- (b) Comply with the clearance examination requirements under either §§ 3310.4-.8 or §§ 3314.9 and 3314.10, as applicable.

3309.2 A dust sampling technician shall not conduct any clearance examination activities as part of producing an initial clearance report for a property for which DDOE has issued an Order to Eliminate Lead-Based Paint Hazards, nor as part of producing a clearance report following an abatement.

3310 RENOVATION REQUIREMENTS

3310.1 Except as provided in § 3310.3, an individual, firm, or business entity that performs renovation of a residential property or a child-occupied facility built prior to 1978 and that is compensated for those services shall obtain a renovation permit from DDOE, if:

- (a) The activities contracted for include the removal, repair, or paint stripping of surfaces or building components coated with presumed or identified lead-based paint, including weatherization projects that disturb surfaces or building components coated with presumed or identified lead-based paint,

the sum total of which activities disturbs more than five hundred square feet (500 sq. ft) of painted surface; or

- (b) The contract for the renovation work contains a total charged cost of twenty thousand dollars (\$20,000) or more for the specific activities enumerated in § 3310.1(a).

3310.2 The raze or demolition of a building, which is subject to § 3316.4, shall not trigger a requirement for a DDOE-issued renovation permit.

3310.3 A renovation permit shall not be required for renovations in residential housing or child-occupied facilities built prior to 1978, in which:

- (a) A written determination has been made by a certified lead-based paint inspector or a certified risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/ cm²) or one half percent (0.5%) by weight, where the firm performing the renovation has obtained a copy of the determination;
- (b) A certified renovator, using an EPA-recognized test kit as defined in 40 CFR § 745.83 and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/ cm²) or one half percent (0.5%) by weight, with the understanding that if the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately;
- (c) A certified renovator has collected a paint chip sample from each painted component affected by the renovation and a laboratory recognized by EPA pursuant to Section 405(b) of the Toxic Substances Control Act (15 USC 2685(b)) as being capable of performing analyses for lead compounds in paint chip samples has determined that the samples are free of paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/ cm²) or one half percent (0.5%) by weight, with the understanding that if the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

3310.4 A clearance examination shall be performed after the work has been done that required a renovation permit, which in the case of work in a vacant unit shall be at any point prior to reoccupancy of the unit:

- (a) A clearance examination triggered pursuant to this section or § 3316.2(a), or pursuant to any provision under 40 CFR § 745.85, shall consist of dust sampling in each room that contains a work area, on the following surfaces in each sampled room:
 - (1) One (1) floor sample; and
 - (2) For rooms that contain a window, one (1) window sill or one (1) window well sample;
- (b) For work that involves door replacement in accordance with § 3316.2(a), the floor samples shall be taken within two feet (2 ft.) of any such door, but no window sample shall be required;
- (c) Whenever a work area is located on the exterior of a property, and whenever a work area involves a window or a door that opens to the exterior of a property, a dust sample shall be taken on any concrete or other rough exterior horizontal surface within the work area(s);
- (d) A clearance examination performed after covering of soil pursuant to § 3316.2(b) shall consist of a determination by the lead-based paint inspector or risk assessor conducting the clearance examination as to whether the lead-contaminated soil was uniformly covered by at least six inches (6 in.) of clean soil or other appropriate ground cover, and a description in the clearance report of the methodology used by said inspector or risk assessor to make this determination; and
- (e) A clearance examination shall be performed no sooner than one (1) hour and no later than three (3) business days after the completion of the activities conducted pursuant to the permit or other activities listed in §§ 3316.2(a) and (b), or in the case of work in a vacant unit, at any point prior to reoccupancy of the unit.

- 3310.5 Each environmental sample taken pursuant to this section shall be submitted for analysis to an appropriately accredited lab.
- 3310.6 The clearance examination shall be conducted by a lead-based paint inspector or risk assessor, or, except in clearance cases involving soil clearance, by a dust sampling technician.
- 3310.7 A clearance report produced under this section shall be filed with DDOE within seven (7) business days following the successful clearance examination by the individual, firm, or business entity to which DDOE issued the permit.
- 3310.8 Each clearance report shall contain a copy of the current DDOE-issued certification card belonging to the report author and the date the clearance report was issued.

- 3310.9 Except as provided in § 3310.10, all work that constitutes renovation work pursuant to 40 CFR § 745.80 *et seq.* and that does not trigger a permit requirement under these regulations shall be conducted in accordance with the rules promulgated by EPA under 40 CFR § 745.85(a) and shall be followed by cleaning verification or a clearance examination in accordance with the rules promulgated by EPA under 40 CFR § 745.85(b).
- 3310.10 The emergency renovations defined in § 3310.12(a) are exempt from the warning sign, containment, waste handling, training, and certification requirements in both these regulations and in 40 CFR §§ 745.85, 745.89 and 745.90, to the extent necessary to respond to the emergency.
- 3310.11 Except as provided in § 3310.12, prior to any renovation activity occurring for compensation in a residential property or in a child-occupied facility where the structure was built prior to 1978, pre-renovation education and documentation thereof shall occur, in accordance with the relevant requirements mandated by 40 CFR § 745.84.
- 3310.12 The information distribution requirements in § 3310.11 do not apply to emergency renovations, which are:
- (a) Renovation activities that were not planned but result from a sudden, unexpected event, such as non-routine failures of equipment, that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage; and
 - (b) Interim controls performed in response to an elevated blood lead level in a resident child.
- 3310.13 Renovation firms shall comply with all recordkeeping and reporting requirements contained in 40 CFR § 745.86.
- 3310.14 A renovation permit may be granted if the applicant submits all of the following to DDOE:
- (a) A completed Renovation Permit Application Form;
 - (b) A copy of the applicant's signed contract for the work, including the charges for all renovation activities under the contract;
 - (c) A copy of the applicant's Scope of Work, detailing the renovation activities applicant is under contract to perform, or if identical to the language in the signed contract produced under § 3310.7(b), a statement to that effect;
 - (d) A copy of a valid DCRA Basic Business License to do business in the District;

- (e) A copy of the EPA-issued or DDOE-issued Renovation Firm certification and a copy of the relevant EPA-issued or DDOE-issued Renovator certification;
- (f) A completed District of Columbia Clean Hands Self-Certification Form; and
- (g) Any other information DDOE requires in its permit application instructions that is relevant to issuance of a renovation permit.

3310.15 DDOE may specify the requirements that apply to work carried out under the permit by describing them on the permit.

3310.16 The use of lead-safe work practices as set forth in § 3302 and the prohibited practices set forth in § 3304 apply to renovation work.

3311 CERTIFICATION OF BUSINESS ENTITIES PERFORMING LEAD-BASED PAINT ACTIVITIES AND OF FIRMS CONDUCTING RENOVATION ACTIVITIES

3311.1 To become certified, a business entity or a firm shall comply with all applicable requirements of this section before any employee or sub-contractor of the business entity or firm may conduct a lead-based paint activity, clearance examination, or renovation in a dwelling unit or child-occupied facility built before 1978.

3311.2 The business entity or firm shall be responsible for ensuring that each employee and subcontractor of the business entity conducting a lead-based paint activity, clearance examination, or renovation for the entity, is:

- (a) Certified pursuant to §§ 3307 or 3308;
- (b) In compliance with the provisions of §§ 3302, 3304 and 3310; and
- (c) In compliance with all applicable federal and District laws, regulations, and rules governing the disposal of all waste containing lead.

3311.3 An entity applying for certification as a business that conducts lead-based paint activities or as a firm that conducts renovation activities in the District of Columbia shall:

- (a) Document that the entity has a valid DCRA license, if required, to do business in the District;
- (b) Submit documentation to DDOE that proves that the entity has liability insurance for at least one million dollars (\$1,000,000), which the entity shall maintain for the entire period of the DDOE business entity certification;

- (c) Execute a District of Columbia Clean Hands Self-Certification Form stating that paragraph (c) above has been met; and
- (d) Pay the applicable certification fee required under § 3322.

3311.4 The business entity or firm shall comply with the recordkeeping requirements of D.C. Official Code § 8-231.01 *et seq.*

3311.5 A business entity or firm's certification shall expire after five (5) years.

3312 EXCEPTIONS TO THE CERTIFICATION REQUIREMENT

3312.1 The requirement in § 3307.1 that an individual be certified prior to engaging in any lead-based paint activity does not apply to the following:

- (a) Individuals who perform lead-based paint activities or renovations in a residence which they own, provided that the residence is occupied solely by the owner or the owner's immediate family, and provided that there is no child under age six (6) and no pregnant woman residing therein;
- (b) Performance of maintenance, repair, or renovation work by an individual or entity that results in disturbances of lead-based paint in a total of two square feet (2 sq. ft.) or less of surface area per room, or a total of twenty square feet (20 sq. ft.) or less of exterior surface;
- (c) Individuals who perform maintenance, repair, painting, and renovation work that does not disturb painted surfaces; and
- (d) Individuals who perform risk assessment and lead-based paint inspections for litigation or other forensic purposes, in compliance with all work practice rules established by DDOE pursuant to this chapter, provided such individuals possess the appropriate certification issued by EPA or by an EPA-approved state program.

3313 DISCLOSURE REQUIREMENTS AND TENANT RIGHTS FORM

3313.1 The owner of a dwelling unit constructed before 1978 shall disclose to the purchaser or tenant of the dwelling unit information reasonably known to the owner about the presence of any of the following conditions in the unit:

- (a) Lead-based paint;
- (b) Lead-based paint hazards; and
- (c) Pending actions ordered by a District government agency pursuant to the Acts or this chapter.

- 3313.2 The disclosures shall be provided on the lead disclosure form issued by DDOE, shall be provided before the purchaser or tenant is obligated under any contract to purchase or lease the dwelling unit, shall be signed and dated by the owner, and an opportunity provided for the purchaser or tenant to sign and date.
- 3313.3 The owner of a dwelling unit constructed before 1978, which unit will be occupied or regularly visited by a child under the age of six (6) years or by a pregnant woman, shall provide to the tenant an accurately and fully completed lead disclosure form and a clearance report issued within the previous twelve (12) months, or as otherwise provided in § 3313.5. The disclosures required by this subsection shall be provided before the tenant is obligated under any contract to lease the dwelling unit.
- 3313.4 If a tenant of a dwelling unit constructed before 1978, in which unit a person at risk resides or regularly visits, notifies the owner of the property in writing that a person at risk resides in or regularly visits the dwelling unit, the owner of the dwelling unit shall provide to the tenant within thirty (30) days a clearance report issued within the previous twelve (12) months, or as otherwise provided in § 3313.5.
- 3313.5 In lieu of providing the disclosure form and clearance report required by §§ 3313.3 and 3313.4, an owner may provide to, or make the following available for review by, the tenant:
- (a) A report from a risk assessor or lead-based paint inspector certifying that the dwelling unit is a lead-free unit; provided, that for the purposes of this subsection, the term “lead-free unit” shall mean the definition of lead-free unit in effect at the time of unit certification, including such cases as a prior multifamily property lead-based paint inspection, conducted pursuant to the 1997 amendments to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, where the lead-based paint inspector made a determination that the property itself is a lead-free property, including all units contained within such property; or
 - (b) Three (3) clearance reports issued at least twelve (12) months apart and within the previous seven (7) years; provided, that the property was not, and is not, subject to any housing code violation that occurred during the past five (5) years or any that is outstanding.
- 3313.6 The owner of a dwelling unit shall provide notice to its tenants of their rights under the Acts on a Tenant Rights form issued by DDOE, whenever a tenant executes or renews a lease for the unit and whenever the owner provides notice of a rent increase.
- 3313.7 A tenant shall have the right to provide information to DDOE concerning deteriorated paint or other lead-based paint hazards within a property. This right

of the tenant is protected by tenant provisions set forth in D.C. Official Code § 42-3505.02.

3313.8 The owner of a dwelling unit who learns of the presence of lead-based paint or lead-based paint hazards in that dwelling unit shall:

- (a) Notify the tenant of the presence of lead-based paint within ten (10) days after discovering its presence; and
- (b) Provide the tenant with:
 - (1) The Lead Warning Statement described in 40 CFR § 745.113; and
 - (2) The lead hazard information pamphlet described in the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d (2006), provided, that the Lead Warning Statement and lead hazard information pamphlet need not be submitted if they have been given to the tenant within the prior twelve (12) months.

3313.9 An owner shall maintain copies of all lead-related reports for a property or any part thereof and make the reports available to tenants, tenants' agents, and government officials for review and photocopying at reasonable hours and at a location reasonably close to the property.

3313.10 An owner shall document on what date the Tenant Rights form referenced in § 3313.6 was provided to the tenant by signing and dating a copy of the form and requesting the tenant do the same, and shall make such information available to DDOE for review and photocopying at reasonable hours and at a location reasonably close to the property.

3314 CLEARANCE REQUIREMENTS AT CHANGE IN OCCUPANCY OF RENTAL UNITS

3314.1 Before a change in the occupancy of a residential rental unit and before the execution of a lease, where a prospective occupant household informs the property owner that the household includes a pregnant individual or a child under six (6) years of age, the owner of the unit shall:

- (a) Provide the prospective tenant with a clearance report issued not more than twelve (12) months before the change in occupancy;
- (b) Give the prospective tenant an acknowledgment form issued by DDOE to sign and date as confirmation of receipt of the passing clearance report; and
- (c) Retain a copy of the acknowledgement form for at least six (6) years, which shall be readily accessible to DDOE during that period.

- 3314.2 Upon written request by a tenant in a residential rental unit who is pregnant or has a child under six (6) years of age living at or regularly visiting the residence, the owner of said unit shall:
- (a) Provide the occupant with a clearance report issued not more than twelve (12) months before the date of the request or more than thirty (30) calendar days after receipt of the written request;
 - (b) Ask the tenant to sign and date an acknowledgement of receipt of the clearance report; and
 - (c) Retain a copy of the acknowledgement form for at least six (6) years, which shall be accessible to DDOE during that period.
- 3314.3 The clearance report required by this section may be issued by a dust sampling technician, lead-based paint inspector, or risk assessor.
- 3314.4 An owner may satisfy the clearance report requirements of this section by submitting to the tenant:
- (a) A report from a risk assessor or lead-based paint inspector certifying that the unit is a lead-free unit, in accordance with §§ 3314.5, 3314.6 or 3314.7, as applicable; or
 - (b) Three (3) passing clearance reports issued at least twelve (12) months apart from each other by a dust sampling technician, lead-based paint inspector, or risk assessor, provided that the three (3) passing clearance reports were all issued within the previous seven (7) years and the property owner or property manager is not currently, or was not during the previous five (5) years, subject to any housing code or any DDOE violation enforcement orders.
- 3314.5 A single-family home shall qualify as a “lead-free unit” provided the owner documents that all representative interior and exterior painted surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint.
- 3314.6 To qualify as a “lead-free unit” in a multifamily property:
- (a) The owner shall document that all representative interior unit painted surfaces and all representative exterior painted surfaces that can reasonably be considered as the unit’s exterior surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint. For purposes of this paragraph, painted surfaces that can reasonably be considered as the unit’s exterior surfaces include balcony and terrace components, exterior window and door components, and any accessible exterior wall surfaces that are part of the structure of the unit;

- (b) The owner shall document that any interior floor surface located outside the unit within twenty feet (20 ft.) of the front or rear door has been found to be free of lead-contaminated dust, as confirmed by a dust sampling technician, lead-based paint inspector, or risk assessor, after taking at least one (1) dust sample immediately outside the door and another dust sample for every ten feet (10 ft.) of floor surface from the door; and
- (c) The multifamily property shall have an Operations and Maintenance Plan that includes specific reference to a specialized cleaning process that ensures approaches to lead-free units remain lead safe over time.

3314.7 In the alternative, a unit may qualify as a “lead-free unit” in a multifamily property if an owner provides documentation that:

- (a) A lead-based paint inspection of the property, performed in accordance with the 1997 amendments to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, or any more recent version thereof, has resulted in a determination by a certified risk assessor or lead-based paint inspector that the property is a lead-free property; or
- (b) Lead-based paint that is present inside the unit has been enclosed so that a lead-based paint inspection of a unit, performed by a certified lead-based paint inspector or risk assessor, does not detect any lead-based paint.

3314.8 An owner whose unit is deemed to be a “lead-free unit” pursuant to § 3314.7(b) shall be exempt from the clearance requirements under § 3314, but shall remain subject to the disclosure requirements of the Acts and this chapter, and shall:

- (a) Disclose the presence of the enclosed lead-based paint whenever appropriate under the Acts and this chapter; and
- (b) As part of each such required disclosure, make available for review, upon written request of a tenant, a current copy of the property’s Operations and Maintenance Plan, which shall contain a section that describes the process by which the owner intends to ensure that the lead-based paint remains enclosed over time.

3314.9 For purposes of this section, a clearance report shall include:

- (a) The date that the clearance examination was conducted;
- (b) A statement by the individual who conducted the clearance examination that the individual:
 - (1) Was granted unobstructed access to all painted areas in the unit;

- (2) Did not see paint deterioration on any component or fixture on the interior of the unit;
- (3) Did not see paint deterioration on any component or fixture on the exterior portion of a property that can reasonably be considered the unit's exterior surfaces in the case of multifamily property, in conformance with § 3314.6(a); and
- (4) Did not see paint deterioration on any component or fixture on the exterior of any single-family property to which this section applies;
- (c) Dust sampling results that pass the clearance requirements of this chapter in accordance with the following dust sampling protocol:
 - (1) One (1) floor sample in each room, taken close to a door or another potential likely source of lead dust; and
 - (2) One (1) window sill or well sample in each room containing a window;
- (d) The analytical result for each environmental sample submitted for lab analysis, including any blank or spike sample submitted;
- (e) A floor plan of the unit that displays where each environmental sample was taken;
- (f) A chain of custody sheet with all fields completed, that lists each environmental sample submitted to a lab for analysis, along with the time of day that the samples were collected; and
- (g) The signature of the individual who conducted the clearance examination and a copy of that individual's current DDOE-issued certification card.

3314.10 Each environmental sample taken pursuant to this section shall be submitted for analysis to an appropriately accredited lab.

3315 RISK REDUCTION USING INTERIM CONTROLS

3315.1 Before any individual performs interim controls to eliminate lead-based paint hazards in the District of Columbia such person shall be trained in the lead-safe work practices set forth in § 3302.

3315.2 A certificate of completion from an EPA- or DDOE-accredited training provider or from another EPA-authorized, state-accredited training provider shall serve as proof of receipt of the lead-safe work practices training required by these regulations. An individual shall provide proof of training in lead-safe work practices upon request by DDOE at the job site. A business entity shall ensure that its workers comply with these standards.

- 3315.3 Documentation proving Certified Renovator status, or Abatement Worker or Abatement Supervisor certification status, shall satisfy the requirements of §§ 3315.1 and 3315.2, provided such documentation is from an EPA- or DDOE-accredited training provider or from another EPA-authorized, state-accredited training provider.
- 3315.4 Whenever non-abatement activities are conducted to address lead-based paint hazards pursuant to an Order to Eliminate Lead-Based Paint Hazards, a clearance examination shall be required:
- (a) No sooner than one (1) hour after completion of such interim controls, but no more than three (3) business days after such completion, and again between thirty (30) and thirty-six (36) months, as specified by DDOE in the Order, after completion of the interim controls activities; or
 - (b) No sooner than one (1) hour after completion of such interim controls, but no more than three (3) business days after such completion, and again within such timeframe that is specified by DDOE in the Order, which may include a requirement for multiple Clearance Reports over time.
- 3315.5 An initial clearance report pertaining to the elimination of lead-based paint hazards identified in an Order issued by DDOE shall be issued only by a risk assessor. Any subsequent clearance report may be issued by either a risk assessor, a lead-based paint inspector, or a dust sampling technician.
- 3315.6 Each clearance report shall contain a copy of the current DDOE-issued certification card belonging to the report author.
- 3315.7 Notice to DDOE that a dust test will be performed as part of a clearance examination pursuant to § 3315.4 shall be provided by fax, in person, or via the DDOE website, on a DDOE-specified form, submitted to DDOE at least twenty-four (24) hours prior to conducting the dust test, or as soon as practicable, whichever is sooner.
- 3315.8 A copy of each clearance report shall be submitted to DDOE by the property owner, within seven (7) business days of its issuance, either in PDF format by email, or by mail, a courier service, or in person.

3316 LEAD-BASED PAINT HAZARD ABATEMENT REQUIREMENTS

- 3316.1 An individual or business entity shall not commence or perform any abatement activity on any residential property or child-occupied facility without first applying for and receiving an abatement permit from DDOE, except for those activities listed in § 3316.2.
- 3316.2 The following activities shall at minimum require the use of individuals trained in lead-safe work practices as described in § 3302, as documented by proof available at the work site of either Certified Renovator status or Abatement Worker or

Abatement Supervisor certification status, and, except for § 3316.2(c), shall be followed by a clearance examination pursuant to §§ 3310.4(a) through 3310.8:

- (a) Door replacement, provided it does not include replacing ancillary door components, such as the casing, door stop, jamb, or threshold;
- (b) Covering of any lead-contaminated soil that contains less than one thousand parts per million (1,000 ppm) of lead; and
- (c) An abatement activity involving less than two square feet (2 sq. ft. per room of deteriorated paint on an interior surface, or less than twenty square feet (20 sq. ft) of deteriorated paint on an exterior surface.

3316.3 The raze or the demolition of a pre-1978 building involving painted surfaces within or on the property shall be subject to the following requirements:

- (a) All painted components either shall be presumed to be painted with lead-based paint, or shall be tested by a lead-based paint inspector or risk assessor to determine whether or not lead-based paint is present;
- (b) Provided the building is structurally sound, lead-safe work practices shall be used in conformance with § 3302, and all components containing presumed or identified lead-based paint shall be disposed of in a manner consistent with the disposal of lead-contaminated waste; and
- (c) The prohibited practices enumerated in § 3304 shall not be used.

3316.4 The raze or the demolition of a pre-1978 building, involving presumed or identified lead-based paint within or on the property, shall only be undertaken after a lead abatement permit is issued for such activity by DDOE, if the property in question is within one hundred feet (100 ft.) of a child-occupied facility, or, in the case of a demolition that is limited to one or several units within a multifamily property, if one or more of those units is on a floor that also contains an occupied unit.

3316.5 Performance of encapsulation is an abatement activity that shall be limited to those encapsulant products that have been subjected to nationally recognized third-party testing that documents that the product in question, when applied in accordance with its instructions, shall form an effective barrier for no fewer than twenty (20) years.

3316.6 Encapsulation shall not be used as a technique to eliminate lead-based paint hazards on friction or impact surfaces when such hazards have been identified as part of a Notice of Violation and Order to Eliminate Lead-Based Paint Hazards.

3316.7 An abatement permit may be granted if the applicant submits all of the following to DDOE:

- (a) A completed Lead-Based Paint Hazard Abatement Permit Application;
- (b) A copy of the applicant's signed contract for the work, including the charges for all lead abatement activities under the contract and the signature of each party to the contract;
- (c) A copy of the applicant's Scope of Work, describing the lead abatement activities that the applicant is under contract to perform;
- (d) A copy of a risk assessment or lead inspection report, or other data source that identifies the exact location of the lead-based paint and lead-based paint hazards to be abated;
- (e) A copy of a Certificate of Liability Insurance, proving the applicant's current policy coverage for at least one million dollars (\$1,000,000) for individual environmental or lead claims, which the applicant shall maintain throughout the entire period that the abatement permit is in effect;
- (f) The requirement for the one million dollars (\$1,000,000) of liability insurance coverage may be waived for an applicant who is seeking an abatement permit for work limited to the applicant's own home; provided that the home is not part of a multi-family property, that there are no tenants living in the applicant's home, and that the work does not involve the demolition or raze of a pre-1978 building;
- (g) A copy of the current D.C. lead certification card for the certified supervisor who will manage the abatement activities, and a copy of the business entity certification card;
- (h) A copy of a valid District of Columbia Department of Consumer and Regulatory Affairs (DCRA) license to do business in the District;
- (i) A completed District of Columbia Clean Hands Self-Certification Form; and
- (j) Any other information DDOE requires in its permit application instructions as relevant to issuance of an abatement permit.

3316.8 DDOE may specify the requirements that apply to work carried out under the permit by describing them on the permit.

3316.9 Except as pursuant to § 3316.2, abatement shall only be performed by an individual who is currently certified by DDOE as a lead abatement worker or supervisor.

3316.10 Except when an entire building has been razed, the issuance of an abatement permit pursuant to § 3316.4 triggers a requirement that the individual or business

entity to whom the permit was issued submit to DDOE a clearance report no later than seven (7) business days after completion of the permit-related activities, to close out the permit, as follows:

- (a) A clearance examination shall be performed no sooner than one (1) hour and no later than three (3) business days after the completion of the abatement activities, and shall be repeated until the clearance examination is passed and a clearance report is issued;
- (b) The clearance examination may be performed by a risk assessor or by a lead-based paint inspector, unless DDOE has required that the clearance examination be performed by a risk assessor;
- (c) In the case of work that occurs on a floor in a multifamily property that also contains an occupied unit, the clearance examination shall consist of:
 - (1) A visual inspection of the common area on each such floor to confirm that no visible paint debris is present between the front door of each unit where such work is undertaken and the entry door of any occupied unit on such floor; and
 - (2) Dust sampling in the common area on each such floor, within two feet (2 ft.) from the entry door of each unit where such work is undertaken, and within two feet (2 ft.) from the entry door of either all occupied units on such floor, or at least three (3) of the occupied units, whichever is fewer, provided that the risk assessor selects those units most likely to have been affected by dust migration resulting from the work;
- (d) Notice to DDOE that a dust test will be performed shall be provided whenever the dust test is related to a clearance examination resulting from an Order to Eliminate Lead-Based Paint Hazards, and shall be provided to DDOE by fax, in person, or via the DDOE website, on a DDOE-specified form, submitted to DDOE at least twenty-four (24) hours prior to conducting the dust test, or as soon as practicable, whichever is sooner;
- (e) Each environmental sample taken during a clearance examination shall be analyzed by an appropriately accredited lab, and the total samples submitted to the lab shall include as a quality assurance measure one (1) blank sample for lab analysis for each permit issued pursuant to § 3316.4; and
- (f) No other raze or demolition activity shall be undertaken at the property in question until a clearance report has been issued and submitted to DDOE, except that demolition activities on floors where no occupied units are located may continue in the interim.

3316.11 The issuance of an abatement permit in all cases other than a permit issued pursuant to § 3316.4 triggers a requirement that the individual or business entity to whom the permit was issued submit to DDOE a clearance report no later than seven (7) business days after completion of the abatement activities, to close out the permit, as follows:

- (a) A clearance examination shall be performed no sooner than one (1) hour and no later than three (3) business days after the completion of the abatement activities, and shall be repeated until the clearance examination is passed and a clearance report is issued;
- (b) If there is no Order to Eliminate Lead-Based Paint Hazards, the clearance examination may be performed by a dust sampling technician, a lead-based paint inspector, or by a risk assessor, whether or not employed by the owner;
- (c) If there is no Order to Eliminate Lead-Based Paint Hazards, the clearance examination shall consist of:
 - (1) A visual inspection of each work area, to ensure paint is in intact condition;
 - (2) A visual inspection of each work area, to ensure there is no visible dust or debris;
 - (3) Dust sampling in each room that contains a work area, on the following surfaces in each sampled room:
 - (A) One (1) floor sample; and
 - (B) For rooms that contain a window, one (1) window sill or one (1) window well sample;
 - (4) Whenever a work area is located on the exterior of a property, and whenever a work area involves a window or a door that opens to the exterior of a property, a dust sample on any concrete or other rough exterior horizontal surface within the work area(s); and
 - (5) Soil sampling if any abatement activity included lead-contaminated bare soil remediation, or if exterior work to eliminate a lead-based paint hazard was performed within ten feet (10 ft.) of a bare soil area, provided such sampling occurs on the same property;
- (d) Each environmental sample taken during a clearance examination shall be analyzed by an appropriately accredited lab and shall include as a quality assurance measure one (1) blank sample for lab analysis for each unit or property subject to the clearance examination, or in the case of a clearance

examination that spans more than one (1) day, one (1) blank sample for lab analysis per day for each property subject to the clearance examination; and

- (e) Each clearance report shall contain a copy of the current DDOE-issued certification card belonging to the report author.

3317 ACCESS TO PROPERTIES

3317.1 DDOE may enter a residence or child-occupied facility between the hours of 7:30 a.m. and 7:30 p.m. if DDOE reasonably believes that activities are being or have been conducted in violation of the Acts or any of these regulations, or upon reasonable belief that there is an imminent threat to the health and safety of the occupants.

3317.2 The tenant's consent to enter a residence is required before entry by DDOE, unless DDOE has obtained an administrative search warrant. Search warrants authorizing entry for inspections are issued by the Superior Court pursuant to D.C. Official Code § 11-941.

3317.3 For purposes of this section, a property owner or an owner's employee or representative shall seek access to an occupied residential rental dwelling unit only after providing the tenant with a written request for permission to enter the unit at a reasonable hour, at least forty-eight (48) hours before the proposed time of entry. Such notification shall include:

- (a) The proposed date and time of entry;
- (b) The reason access is needed, including what inspection or work will be conducted, and the particular area(s) of the premises to be accessed;
- (c) The training or certification requirements applicable to the workers who will be performing the inspection or work;
- (d) A statement to the effect that the tenant may request proof of training or certification before allowing an inspector or worker to access the unit or proceed with their work; and
- (e) A request that the tenant return a DDOE-issued consent form provided to the tenant by the property owner or the owner's agent pursuant to § 3317.4, prior to the proposed time of entry.

3317.4 Along with the written request for permission to enter the unit pursuant to § 3317.3, the property owner or the owner's agent shall provide the tenant with a DDOE-issued consent form that the tenant may use to grant or deny consent to the requested entry, or to set forth reasonable conditions for such consent, including an alternative date or dates for such entry.

- 3317.5 A property owner or owner's agent shall meet the tenant's reasonable conditions for access under § 3317.4.
- 3317.6 Except as provided in § 3317.8, if the tenant fails to return a consent form to the owner that grants access to the dwelling unit or sets reasonable conditions for same, and continues to deny the owner access to the dwelling unit for seven (7) days or more after the original written request for access was made, the owner shall be exempt from meeting the requirements of the Acts that are relevant to the requested access, until the tenant either provides written notice of the tenant's willingness to grant access or otherwise freely grants access, or until the tenant no longer occupies the unit, whichever happens first.
- 3317.7 Except as provided in § 3317.8, a property owner who complies with the conditions proposed by the tenant in accordance with § 3317.4 and whose tenant still refuses to grant access to the dwelling unit shall be exempt from meeting the requirements of the Acts that are relevant to the requested access, until the tenant either provides written notice of the tenant's willingness to grant access or otherwise freely grants access, or until the tenant no longer occupies the unit, whichever happens first.
- 3317.8 A property owner shall verify that workers engaging in lead-based paint activities on the owner's behalf are trained or certified pursuant to these regulations and that such requirements are correctly and clearly articulated in accordance with § 3317.3, and a tenant may deny access to an inspector or worker engaging in lead-based paint activities who is unable to provide proof of such training or certification.
- 3317.9 A tenant shall allow access to his or her dwelling unit to the unit owner or the owner's employee or representative to facilitate any work or inspection required under this chapter, provided all other conditions required by §§ 3317.3, 3317.4, 3317.5, and 3317.8 are met.

3318 NOTICE OF VIOLATION OR NOTICE OF INFRACTION, AND ORDER TO ELIMINATE LEAD-BASED PAINT HAZARDS

- 3318.1 DDOE may take steps to determine the existence of a lead-based paint hazard whenever DDOE has reason to believe that there is a risk that a lead-based paint hazard is present in a dwelling unit, an accessible common area of a multifamily property, or a child-occupied facility such as a day care center or kindergarten program that is regularly attended by children under the age of six (6) years constructed prior to 1978.
- 3318.2 To determine whether a lead-based paint hazard is present, DDOE's investigation of a dwelling unit, accessible common area, or a child-occupied facility pursuant to § 3318.1 shall be followed by a report to the owner and the tenant, and may include:

- (a) A visual inspection; and
- (b) Any other form of lead hazard evaluation.

3318.3 If a lead-based paint hazard is identified, DDOE may issue a written Notice of Violation or Notice of Infraction, and an Order to Eliminate Lead-Based Paint Hazards (collectively “Notice and Order”), to the property owner or to any other person. A Notice and Order shall:

- (a) Identify the violation;
- (b) Specify the measures needed to correct the violation, including the time for compliance;
- (c) Order any other action necessary to protect the health and safety of the occupants, including relocation pursuant to § 3319, if necessary;
- (d) Include an invoice charging the recipient of the Notice and Order for the costs associated with the risk assessment that resulted in the identification of lead-based paint hazards; and
- (e) In the case of a Notice of Infraction, include an assessment of a fine for each violation being cited.

3318.4 An owner, individual, firm, or business entity may object to a notice or order by requesting a hearing within fifteen (15) calendar days of service. If service is by first class mail, a request for a hearing may be filed within twenty (20) days of service. If specific instructions are not on the notice or order, the owner, individual, firm, or entity shall file a written request for a hearing, including the grounds for the objection, in accordance with Rules of Practice and Procedure of the Office of Administrative Hearings set forth in Title 1 DCMR Chapter 28.

3318.5 If DDOE orders the owner to eliminate a hazard by lead-based paint hazard abatement, the owner shall:

- (a) Comply with the DDOE Order within thirty (30) calendar days of its receipt, in conformance with D.C. Official Code § 8-231.15(a) unless extended for good cause pursuant to § 3318.9;
- (b) Obtain a permit pursuant to § 3316 before beginning abatement work;
- (c) Ensure that each person performing an abatement activity:
 - (1) Is certified as required by this chapter; and
 - (2) Adheres to the lead-safe work practice requirements under § 3302 while performing the work; and

- (d) Submit a copy of the clearance report to DDOE and, in the case of rental housing, a copy to the tenant, that:
 - (1) Has been prepared by a risk assessor, subject to the conditions in D.C. Official Code § 8-231.11(f)(1);
 - (2) Is submitted to DDOE and to the tenant within seven (7) business days of its issuance by said risk assessor; and
 - (3) Complies with the clearance report requirements established under § 3318.7.

3318.6 If DDOE allows the owner to apply interim controls because abatement is not deemed essential to eliminate a hazard given the particular circumstances, the owner shall:

- (a) Comply with the DDOE Order within thirty (30) calendar days of its receipt, in conformance with D.C. Official Code § 8-231.15(a), unless extended for good cause pursuant to § 3318.9;
- (b) Ensure that each person working to eliminate the lead-based paint hazard:
 - (1) Is certified as required by this chapter; or
 - (2) Has been trained in the lead-safe work practices established under § 3302; and
 - (3) Adheres to those lead-safe work practices while performing the work;
- (c) Comply with the rules for application of interim controls under § 3315; and
- (d) Submit a clearance report to DDOE, and in the case of rental housing, to the tenant, that:
 - (1) Has been prepared by a risk assessor, subject to the conditions in D.C. Official Code § 8-231.11(f)(1), except as otherwise provided in § 3315.5;
 - (2) Is submitted to DDOE and to any affected tenant within seven (7) business days of its issuance by the individual who signed the report; and
 - (3) Complies with the clearance report requirements under § 3318.7 and, if applicable, under § 3315.4.

3318.7 If DDOE has issued an Order to Eliminate Lead-Based Paint Hazards, the clearance examination shall be performed no sooner than one (1) hour after the completion of lead-based paint hazard control activities, and no later than three (3) business days after completion, and shall be performed as follows:

- (a) The clearance examination shall include the following:
 - (1) A visual inspection of each work area to ensure paint is in an intact condition and to ensure any underlying condition contributing to paint failure that was identified in the Notice of Violation or of Infraction has been repaired;
 - (2) Photos to document that each work area where non-intact paint conditions had been identified in the Notice and Order has been made intact;
 - (3) A visual inspection of each work area to ensure there is no visible dust or debris;
 - (4) Dust sampling in each room that contains a work area, and if fewer than four (4) rooms contain a work area, in additional rooms until at least four (4) rooms are sampled, that shall include either a child's bedroom, a children's play room, a living room, the bathroom used by the child, or the kitchen, on the following surfaces in each sampled room:
 - (A) A floor sample; and
 - (B) A window sill or a window well sample from rooms that contain a window;
 - (5) A floor dust sample within two feet (2 ft.) of the unit's front door and a floor dust sample within two feet (2 ft.) of the unit's rear door;
 - (6) Whenever a work area is located on the exterior of a property, and whenever a work area involves a window or a door that opens to the exterior of a property, a dust sample on any concrete or other rough exterior horizontal surface within the work area(s);
 - (7) If in a multifamily property, additional floor dust samples in the common area outside the unit within two feet (2 ft.) of the front door and within two feet (2 ft.) of the rear door of each unit where lead-based paint hazard elimination work occurred, provided the rear door does not open up to the property exterior; and
 - (8) Soil sampling if lead-contaminated bare soil was identified, or if exterior work to eliminate a lead-based paint hazard was

performed within ten feet (10 ft.) of a bare soil area, provided such sampling occurs on the same property;

- (b) Before proceeding with the clearance examination, the risk assessor performing the clearance examination shall review the following documents to establish the extent and scope of the lead hazard elimination work, and any other pertinent requirements:
 - (1) Abatement Permit;
 - (2) Lead-based Paint Inspection Survey or Risk Assessment Report;
 - (3) Project Scope of Work; and
 - (4) Notice of Violation or of Infraction, and Order to Eliminate Lead-Based Paint Hazards;
- (c) Notice to DDOE that a dust test will be performed as part of a clearance examination pursuant to § 3318.5 shall be provided by fax, in person, or via the DDOE website, on a DDOE-specified form, submitted to DDOE at least twenty-four hours (24) prior to conducting the dust test, or as soon as practicable, whichever is sooner;
- (d) The results of each clearance examination shall be transmitted to the property owner by the individual reporting these results as soon as practicable, and no later than seven (7) business days after completion of the clearance examination;
- (e) If the property does not pass the clearance examination, the owner shall address the condition causing the failure until the property successfully passes clearance;
- (f) All environmental samples taken during a clearance examination shall be analyzed by an appropriately accredited lab and shall include as a quality assurance measure one (1) blank sample for lab analysis for each unit or property subject to a clearance examination; and
- (g) Each clearance report shall include:
 - (1) A list of the documents reviewed pursuant to § 3318.7(b);
 - (2) A room by room narrative that provides details about what specific steps were taken during the clearance examination, and the result of each such step;
 - (3) Photos taken pursuant to § 3318.7(a)(2), with a caption for each photo, describing the location depicted;

- (4) Analytical result for each environmental sample submitted for lab analysis, including any blank or spike sample submitted, including the lead concentration in the prepared spike;
- (5) A chain of custody sheet that lists each environmental sample submitted to a lab for analysis, along with the date and time of day the samples were taken;
- (6) A floor plan of the unit or property that displays where each environmental sample was taken, including the specific location of any soil sampling;
- (7) The reason or reasons why the unit or property did not pass a previous clearance examination, if applicable;
- (8) The date of the clearance examination and the time it was performed;
- (9) The signature of the individual who performed the clearance examination, along with a copy of his or her current DDOE-issued certification card; and
- (10) The date the clearance report was sent or provided to the property owner.

3318.8 A clearance examination following elimination of a lead-based paint hazard ordered by the District, or after such work is performed in response to a child with an elevated blood lead level, shall not be conducted by:

- (a) A risk assessor or lead-based paint inspector who is related to the owner or any tenant by blood or marriage;
- (b) A risk assessor or lead-based paint inspector who is an employee or owner of the abatement firm performing the work;
- (c) A risk assessor or lead-based paint inspector who is an employee or owner of an entity in which the abatement firm has a financial interest; or
- (d) A dust sampling technician, except as provided for under § 3315.5.

3318.9 The deadline specified in §§ 3318.5 and 3318.6 may be extended by DDOE, in increments of a maximum of thirty (30) days, provided the owner:

- (a) Requests in writing an extension from DDOE and submits such written request no fewer than five (5) calendar days prior to the existing deadline for compliance;

- (b) Explains in the written deadline extension request the reason why more time is needed; and
- (c) Provides in the written deadline extension request a summary of steps taken to date, sufficient to demonstrate to the satisfaction of DDOE that:
 - (1) The owner intends in good faith to comply with the Order; and
 - (2) Providing more time to the owner to comply with the Order is not likely to endanger the health and safety of any occupants of the property subject to said Order.

3319 REQUIREMENTS FOR TEMPORARY RELOCATION OF TENANTS

3319.1 A property owner shall take all steps necessary to provide temporary comparable alternative living arrangements for an affected tenant whenever DDOE requires relocation of the tenant due to the presence of lead-based paint hazards at a residential rental property, and shall:

- (a) Provide the tenant with at least fourteen (14) days of written notice about the specifics of the proposed relocation, including contact information and the address of the temporary unit, unless a shorter time period is ordered by DDOE, or is mutually agreed to in writing by the owner and the tenant;
- (b) Provide the tenant with a written, signed statement on a DDOE-issued form, that the tenant has the right to return to the unit once the unit has passed a clearance examination, under the same terms of agreement that exist under the current tenancy;
- (c) Make all reasonable efforts to minimize the duration of any temporary relocation;
- (d) Determine whether there are any appropriate temporary relocation units that do not contain any lead-based paint hazards and that are located within the same property in which the tenant currently resides, and offer same to the tenant;
- (e) Make all reasonable efforts to determine whether there are any appropriate temporary relocation units available within the same school district or ward and that are close to public transportation, as appropriate, and offer same to the tenant if a unit as described in paragraph (d) above is not available; or
- (f) Offer the tenant other reasonably located, appropriate, and available temporary relocation units if no such unit described in paragraphs (d) or (e) is available.

- 3319.2 A property owner who is ordered to relocate a tenant shall pay all reasonable temporary relocation expenses that may be required until the tenant's dwelling unit has passed a clearance examination, and a reasonable amount of time has passed to allow the tenant to return to the dwelling unit, which shall include:
- (a) Moving and hauling expenses;
 - (b) Payment of a security deposit;
 - (c) The cost of replacement housing, including alternative arrangements identified by the tenant and agreed to by said property owner, if the owner has no available temporary relocation unit that satisfies § 3319.1(d-f), provided that the tenant continues to pay the rent on the dwelling unit from which the tenant has been relocated; and
 - (d) Installation and connection of utilities and appliances.
- 3319.3 The property owner shall exercise due diligence in making all reasonable efforts to minimize the duration of temporary relocations.
- 3319.4 The property owner shall comply with all relocation requirements within fourteen (14) calendar days of the receipt of a written order from DDOE requiring temporary relocation of a tenant, unless the order specifies a different deadline for such measures.
- 3319.5 A tenant may elect to make alternative arrangements for temporary relocation without any interference from a property owner.
- 3319.6 Whenever DDOE determines that an imminent threat to a tenant's health and safety exists due to the presence of lead-based paint hazards, DDOE may initiate tenant relocation to a hotel or make other temporary arrangements for lead safety for the tenant, in advance of the owner receiving a DDOE Order to Relocate, or prior to the deadline to which the owner is subject pursuant to § 3319.1, and in such cases DDOE shall notify the owner in writing of the action taken, within seven (7) business days.
- 3319.7 If DDOE incurs expenses when it takes action pursuant to § 3319.6, the property owner shall reimburse DDOE for all such expenses based upon a DDOE invoice.

3320 ENFORCEMENT ACTIONS AND COST REIMBURSEMENT

- 3320.1 If an owner, individual, firm, or business entity fails to comply with any document issued in accordance with the procedures set forth in § 3318 or violates any other provision of the Acts or this chapter, and such failure is likely to result in harm to either human health or the environment, DDOE may take any reasonable steps needed to prevent such harm from occurring and shall require reimbursement by said owner, individual, firm, or business entity for all reasonable costs as set forth on a DDOE invoice.

- 3320.2 DDOE may enforce a violation of the Acts or this chapter, by issuing one or more of the following:
- (a) Notice of Violation;
 - (b) Notice of Infraction;
 - (c) Cease and Desist Order;
 - (d) Order to Eliminate Lead-Based Paint Hazards;
 - (e) Notice of suspension, revocation, or denial in accordance with § 3321; or
 - (f) Another order necessary to protect human health or the environment, or to implement this chapter.
- 3320.3 Each notice and order shall:
- (a) Identify the violation;
 - (b) Specify the measures needed to correct the violation, including the time for compliance;
 - (c) Order any other action necessary to protect the health and safety of the occupants;
 - (d) Include an invoice charging the recipient of the notice or order for the costs associated with the lead-based paint hazard evaluation that resulted in the identification of lead-based paint hazards; and
 - (e) In the case of a Notice of Infraction, include an assessment of a fine for each violation being cited.
- 3320.4 An owner, individual, firm, or business entity may object to a notice or order by requesting a hearing within fifteen (15) calendar days of service. If service is by first class mail, a request for a hearing may be filed within twenty (20) days of service. If specific instructions are not on the notice or order, the owner, individual, firm, or entity shall file a written request for a hearing, including the grounds for the objection, in accordance with Rules of Practice and Procedure of the Office of Administrative Hearings set forth in Title 1 DCMR Chapter 28.
- 3320.5 DDOE may issue a Cease and Desist Order to take effect immediately, requiring an owner, individual, firm, or business entity to correct a condition which is an imminent and substantial danger to the public health or restraining an owner, individual, firm, or business entity from engaging in any unauthorized activity that immediately and substantially endangers the public health. A Cease and Desist Order shall:

- (a) Describe the nature of the violation;
- (b) Take effect at the time and on the date signed; and
- (c) Identify the corrective actions to be taken or actions that must be immediately suspended.

3320.6 A hearing request does not stay the effective date of a Cease and Desist Order. If a hearing is not requested within the fifteen (15) day time period, the Order becomes final and remains in effect until DDOE determines that the corrective actions have alleviated the dangerous conditions.

3320.7 In addition to imposing injunctive relief through a Cease and Desist Order under § 3320.5, DDOE may impose administrative sanctions for any infractions under this chapter or the Acts through the use of civil fines, penalties, and fees pursuant to D.C. Official Code, Title 2, Chapter 18.

3320.8 The District may also initiate a civil action in the Superior Court of the District of Columbia to:

- (a) Seek recovery of any corrective action costs incurred by the District government caused by any violation of the Acts or this chapter;
- (b) Impose civil penalties up to \$25,000 for each day of each violation; or
- (c) Secure a temporary restraining order, preliminary injunction, or other relief necessary for enforcement of this chapter or the Acts.

3320.9 Any owner, individual, training provider, firm or business entity that knowingly or willingly violates the provisions of the Acts or this chapter may also be subject to a criminal penalty of not more than \$25,000 for each day of each violation, or imprisonment for not more than one (1) year, or both.

3320.10 Any notice or order shall be served by personal service on an owner, individual, firm or business entity or his or her authorized agent in the same manner as a summons in a civil action, which includes first class mail, or by registered or certified mail to his or her last known address or place of residence.

3321 NOTICE OF SUSPENSION OR REVOCATION, OR DENIAL OF A PERMIT, ACCREDITATION, OR CERTIFICATION

3321.1 After providing notice and opportunity for a hearing, DDOE may suspend, revoke, modify, or refuse to issue, renew, or restore a permit, certification or accreditation issued to an individual, firm, business entity or training provider under this chapter, if DDOE finds that the applicant or holder:

- (a) Has failed to comply with a provision of the Acts or a rule in this chapter;

- (b) Has misrepresented facts relating to a lead-based paint activity to a client, customer, or DDOE;
- (c) Has made a false statement or misrepresentation material to the issuance, modification, or renewal of a certification, permit, or accreditation;
- (d) Has submitted a false or fraudulent record, invoice, or report;
- (e) Has a history of repeated violations of District or federal law or regulation;
- (f) Has had a certificate, permit, or accreditation denied, revoked, or suspended either by DDOE or by another state or jurisdiction;
- (g) Has failed to comply with federal or District lead-based paint statutes or regulations;
- (h) As a renovation firm, has failed to maintain or has falsified records that are required to be maintained to document compliance with 40 CFR § 745.86;
- (i) As a training provider or as an instructor, has provided inaccurate information or inadequate training;
- (j) Has committed any of the violations described in 40 CFR § 225(g); or
- (k) Does not possess proof of required accreditation, as prescribed by DDOE.

3321.2 In addition to the bases listed in § 3321.1, DDOE may revoke or suspend a business entity or firm certification if it has had its authorization to do business in the District of Columbia revoked or suspended.

3321.3 An action to suspend, revoke, or refuse to issue, renew, or restore a permit, a certification or an accreditation shall be conducted in accordance with the following procedure:

- (a) The notice of proposed suspension, revocation, or denial shall be in writing and shall include the following:
 - (1) The name and address of the applicant for, or holder of, the permit, certification or accreditation;
 - (2) A statement of the proposed action and the proposed effective date and duration of a proposed refusal to issue, renew, or restore a permit, certification or accreditation, whether for an individual, firm, or a business entity;
 - (3) A statement of the reasons for the proposed action in compliance with the requirements of D.C. Official Code § 8-231.14;

- (4) The method for requesting a hearing to appeal the decision by DDOE before it becomes final; and
- (5) Any additional information that DDOE may decide is appropriate; and
- (b) If the individual, firm, business entity or training provider requests a hearing pursuant to this section, DDOE shall provide the owner, individual, firm, or business entity an opportunity to submit a written statement in response to DDOE's statement of the legal and factual basis, and to provide any other explanations, comments, and arguments it deems relevant to the proposed action.

3321.4 An individual, firm, business entity or training provider whose certification or accreditation has been suspended, revoked, or denied by DDOE shall not be eligible to apply for any certification or accreditation available under this chapter until a period of ninety (90) days has passed after the effective date of such suspension, revocation or denial.

3322 FEES FOR CERTIFICATION, PERMITTING, AND ACCREDITATION

3322.1 Initial and renewal certification fees for the disciplines of lead-based paint inspector, risk assessor, abatement supervisor, and lead project designer shall be set at three hundred fifty dollars (\$350), for both initial certification and each subsequent renewal, unless the course completion certificate provided to DDOE as part of the certification application process is not from a DDOE-accredited training provider, in which case the fee shall be four hundred fifty dollars (\$450).

3322.2 The certification fee for a lead abatement worker, renovator, and dust sampling technician shall be set at one hundred dollars (\$100), for both initial certification and each subsequent renewal, unless the course completion certificate provided to DDOE as part of the certification process is not from a DDOE-accredited training provider, in which case the fee shall be one hundred fifty dollars (\$150).

3322.3 The certification fee for either a renovation firm or business entity shall be set at three hundred dollars (\$300), for both initial certification and each subsequent renewal, though no such certification is needed if the renovation firm or business entity provides documentation of current certification status issued by the EPA.

3322.4 The certification fee for a renovation firm or business entity seeking simultaneous certification as both a renovation firm and as a business entity certified to perform lead-based paint activities shall be set at five hundred fifty dollars (\$550), for both initial certification and each subsequent renewal, though no such certification is needed if the renovation firm or business entity provides documentation of current dual certification status issued by EPA.

3322.5 The fee for a lead abatement permit is fifty dollars (\$50), plus three percent (3%) of the total agreed-upon contract price for the lead abatement portion of the work, provided the total cost of the permit shall not exceed \$500.

3322.6 The fee for a renovation permit is fifty dollars (\$50), plus two percent (2%) of the total agreed-upon contract price for the portion of the work that encompasses the specific activities listed in § 3310.1(a), provided the total cost of the permit shall not exceed \$500.

3322.7 Initial, refresher course, and renewal accreditation fees are as follows, apply regardless of the language in which the course is taught, are capped not to exceed a total cost of five thousand dollars (\$5,000) per training provider for any given accreditation application to DDOE, and are valid for three (3) years of accreditation:

(a) Initial training course accreditation fee schedule:

- Lead-Based Paint Inspector: \$850
- Risk Assessor: \$850
- Abatement Worker: \$850
- Abatement Supervisor: \$850
- Lead Project Designer: \$500
- Renovator: \$850
- Dust Sampling Technician: \$500

(b) Refresher training course accreditation fee schedule:

- Lead-Based Paint Inspector: \$650
- Risk Assessor: \$650
- Abatement Worker: \$650
- Abatement Supervisor: \$650
- Project Designer: \$300
- Renovator: \$650
- Dust Sampling Technician: \$300

(c) Renewal of initial training course accreditation fee schedule:

Lead-Based Paint Inspector:	\$600
Risk Assessor:	\$600
Abatement Worker:	\$600
Abatement Supervisor:	\$600
Project Designer:	\$400
Renovator:	\$600
Dust Sampling Technician:	\$400

(d) Renewal of refresher course accreditation fee schedule:

Lead-Based Paint Inspector:	\$500
Risk Assessor:	\$500
Abatement Worker:	\$500
Abatement Supervisor:	\$500
Project Designer:	\$250
Renovator:	\$500
Dust Sampling Technician:	\$250

3322.8 All certification, permitting, and accreditation fees shall be subject to periodic revision, as deemed advisable by DDOE.

3322.9 DDOE shall assess a twenty-five dollar (\$25) fee to provide a replacement certification card or accreditation letter.

3399 DEFINITIONS

3399.1 When used in this chapter, the following terms shall have the meanings ascribed (some of the definitions were codified in the Acts, thus indicated as [Statutory], and are reprinted below for regulatory efficiency):

Abatement – a set of measures, except interim controls, that eliminates lead-based paint hazards by either the removal of paint and dust, the enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. [Statutory]

Accredited training provider – a training provider that has been approved by the Mayor to provide training for individuals who conduct lead-based paint activities. [Statutory]

Business entity – a partnership, firm, company, association, corporation, sole proprietorship, government, quasi-government entity, nonprofit organization, or other business concern. [Statutory]

Child-occupied facility – a building, or portion of a building, constructed prior to 1978, which as part of its function receives children under the age of six (6) on a regular basis, and is required to obtain a certificate of occupancy as a precondition to performing that function. The term "child-occupied facility" may include a preschool, kindergarten classroom, and child development facility licensed under subchapter II of chapter 20 of title 7 of the D.C. Official Code. The location of a child-occupied facility as part of a larger structure does not make the entire structure a child-occupied facility. Only the portion of the facility occupied or regularly visited by children under age six (6) shall be considered the child-occupied facility. [Statutory]

Clearance examination – an evaluation of a property to determine whether the property is free of any deteriorated lead-based paint and underlying condition, or any lead-based paint hazard, underlying condition, lead-contaminated dust, and lead-contaminated soil hazards, that is conducted by a risk assessor, a lead-based paint inspector, or in accordance with limitations specified by statute or by rule, a dust sampling technician. [Statutory]

Clearance report – a report issued by a risk assessor, a lead-based paint inspector, or a dust sampling technician that finds that the area tested has passed a clearance examination, and that specifies the steps taken to ensure the absence of lead-based paint hazards, including confirmation that any encapsulation performed as part of a lead hazard abatement strategy was performed in accordance with the manufacturer's specifications. [Statutory]

Containment – a system, process, or barrier used to contain lead-based paint hazards inside a work area. [Statutory]

Day – a calendar day. [Statutory]

Demolition – the removal or destruction of a part of a building, such as the walls within one or several units in a multifamily property, or the gutting of an entire building that leaves the exterior shell of the structure in place.

Deteriorated paint – paint that is cracking, flaking, chipping, peeling, chalking, not intact, or otherwise separating from the substrate of a building

component, except that pinholes and hairline fractures attributable to the settling of a building shall not be considered deteriorated paint. [Statutory]

Director – the Director of the District Department of the Environment (DDOE).

Dust action level – the concentration of lead that constitutes a lead-based paint hazard for dust and requires lead-based paint hazard elimination. [Statutory]

Dust sampling technician – an individual who:

- (a) Has successfully completed an accredited training program;
- (b) Has been certified by the District to perform a visual inspection of a property to confirm that no deteriorated paint is visible at the property, and to sample for the presence of lead in dust for the purposes of certain clearance testing and lead dust hazard identification; and
- (c) Provides a report explaining the results of the visual inspection and dust sampling. [Statutory]

Dwelling unit – a room or group of rooms that form a single independent habitable unit for permanent occupation by one (1) or more individuals that has living facilities with permanent provisions for living, sleeping, eating, and sanitation. The term "dwelling unit" does not include:

- (a) A unit within a hotel, motel, or seasonal or transient facility, unless such unit is or will be occupied by a person at risk for a period exceeding thirty (30) days;
- (b) An area within the dwelling unit that is secured and accessible only to authorized personnel;
- (c) Housing for the elderly, or a dwelling unit designated exclusively for persons with disabilities, unless a person at risk resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis; or
- (d) An unoccupied dwelling unit that is to be demolished; provided, that the dwelling unit will remain unoccupied until demolition. [Statutory]

Elevated blood lead level – the concentration of lead in a sample of whole blood equal to or greater than ten micrograms of lead per deciliter (10 µg/dL) of blood, or such more stringent standard as may be established by the U.S. Centers for Disease Control and Prevention as the appropriate level of concern, or adopted by the Mayor by rule. [Statutory]

Encapsulation – the application of a covering or coating that acts as a barrier between the lead-based paint and the environment, and that relies for its

durability on adhesion between the encapsulant and the painted surface and on the integrity of the existing bonds between paint layers and between the paint and the substrate. [Statutory]

Enclosure – the use of rigid, durable construction materials that are mechanically fastened to the substrate to act as a barrier between lead-based paint and the environment. [Statutory]

EPA – the United States Environmental Protection Agency.

Exterior surfaces – means:

- (a) All surfaces that are attached to the outside of a property;
- (b) All structures that are appurtenances to a property;
- (c) Fences that are a part of the property; and
- (d) For a property within a multi-unit dwelling, all painted surfaces in stairways, hallways, entrance areas, recreation areas, laundry areas, and garages that are common to individual dwelling units or located on the property. [Statutory]

Interim controls – a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

Lead-based paint – any paint or other surface coating containing lead or lead in its compounds in any quantity exceeding one half percent (0.5%) of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm^2), or such more stringent standards as may be specified in federal law or regulations promulgated by EPA or the United States Department of Housing and Urban Development (HUD), which shall be adopted by the Mayor by rule. [Statutory]

Lead-based paint activities – the identification, risk assessment, inspection, abatement, use of interim controls, or elimination of lead-based paint, lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and all planning, project designing, and supervision associated with any of the these activities. [Statutory]

Lead-based paint hazard – any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint or presumed lead-based paint, or lead-based paint or presumed lead-based paint that is disturbed without containment. [Statutory]

Lead-based paint inspector or inspector – an individual who has been trained by an accredited training provider and certified by the District to conduct lead inspections. For the purpose of clearance testing, a lead-based paint inspector also samples for the presence of lead in dust and in bare soil. [Statutory]

Lead-contaminated dust – surface dust based on a wipe sample that contains a mass per area concentration of lead equal to or exceeding:

- (a) For dust action levels or for the purpose of clearance examination:
 - (1) Forty micrograms per square foot (40 µg/sq. ft. on floors; or
 - (2) Two hundred fifty micrograms per square foot (250 µg/sq. ft.) on interior windowsills;
- (b) For the purpose of clearance examination:
 - (1) Four hundred micrograms per square foot (400 µg/sq. ft. on window troughs; or
 - (2) Eight hundred micrograms per square foot (800 µg/sq. ft on concrete or other rough exterior surfaces; or
- (c) Such more stringent standards as may be:
 - (1) Specified in federal law;
 - (2) Specified in regulations promulgated by the EPA or HUD; or
 - (3) Adopted by DDOE by rule. [Statutory]

Lead-contaminated soil – bare soil on real property that contains lead in excess of four hundred parts per million (400 ppm), or such other more stringent level specified in federal law or regulations promulgated by EPA or HUD, and adopted by the Mayor by rule. [Statutory]

Lead-disclosure form – the form developed by DDOE for a property owner to disclose an owner's knowledge of any lead-based paint or of any lead-based paint hazards, and information about any pending actions ordered by the Mayor pursuant to this law, to tenants, purchasers, or prospective tenants or purchasers. [Statutory]

Lead-free property – a property that contains no lead-contaminated soil, and the interior and exterior surfaces do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²). [Statutory]

Lead-free unit – a unit for which the interior and exterior surfaces appurtenant to the unit do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²), and for which the approaches thereto remain lead-safe. The Mayor, by rule, may establish a method to ensure that approaches to lead-free units remain lead-safe. [Statutory]

Lead project designer – an individual who has been trained by an accredited training provider and certified by the District to review lead-based paint inspection reports and risk assessment reports and to develop detailed plans to abate lead-based paint and eliminate lead-based paint hazards.

Lead-safe work practices – a prescribed set of activities that, taken together, ensure that any work that disturbs a painted surface on a structure constructed prior to 1978, generates a minimum of dust and debris, that any dust or debris generated is contained within the immediate work area, that access to the work area by non-workers is effectively limited, that the work area is thoroughly cleaned so as to remove all lead-contaminated dust and debris, and that all such dust and debris is disposed of in an appropriate manner, all in accordance with the methods and standards established by DDOE by rule consistent with applicable federal requirements, as they may be amended. [Statutory]

Owner – a person, firm, partnership, corporation, guardian, conservator, receiver, trustee, executor, legal representative, registered agent, or the federal government, who alone or jointly and severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession. [Statutory]

Person at risk – a child under age six (6) years or a pregnant woman. [Statutory]

Presumed lead-based paint – paint or other surface coating affixed to a component in or on a dwelling unit or child-occupied facility, constructed prior to 1978. [Statutory]

Raze – the complete destruction of an entire building.

Regularly visits – a child under the age of six (6) years or a pregnant woman who spends or is expected to spend any amount of time at a residential dwelling unit, a single-family property, or a child-occupied facility, at least two (2) different days within any week, provided that each visit lasts at least three (3) hours and the combined annual visits last at least sixty (60) hours in a given calendar year, and provided the property owner or the administrator of the child-occupied facility is notified or otherwise aware of such presence.

Relocation expenses – reasonable expenses directly related to relocation to temporary replacement housing that complies with the requirements of this chapter, including:

- (a) Moving and hauling expenses;
- (b) Payment of a security deposit;
- (c) The cost of replacement housing; provided, that the tenant continues to pay the rent on the dwelling unit from which the tenant has been relocated; and
- (d) Installation and connection of utilities and appliances. [Statutory]

Renovation – the modification of any existing structure or portion thereof that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term "renovation" includes the removal, modification, or repair of painted surfaces or painted components, the removal of building components, weatherization projects, and interim controls that disturb painted surfaces. [Statutory]

Renovator – an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or by the District of Columbia. [Statutory]

Risk assessment – an on-site investigation to determine and report the existence, nature, severity, and location of conditions conducive to lead poisoning, including:

- (a) The gathering of information regarding the age and history of the housing and occupancy by persons at risk;
- (b) A visual inspection of the property;
- (c) Dust wipe sampling, soil sampling, and paint testing, as appropriate;
- (d) Other activity as may be appropriate;
- (e) Provision of a report explaining the results of the investigation; and
- (f) Any additional requirements as determined by the Mayor. [Statutory]

Risk assessor – an individual who has been trained by an accredited training program and certified by the District to conduct risk assessments. [Statutory]

Underlying condition – the source of water intrusion or other problem that is causing paint to deteriorate which may be damaging to the substrate of a painted surface. [Statutory]

Work area – the space that a certified risk assessor, abatement worker or supervisor, a certified renovator or a certified project designer determines is sufficient to contain all dust and debris generated by work that disturbs paint.

TITLE 22 DCMR (HEALTH), Subtitle B (PUBLIC HEALTH AND MEDICINE), is amended as follows:

CHAPTER 73 (CHILDHOOD LEAD POISONING PREVENTION) is amended as follows:

Subsection 7301.1 is amended to read as follows:

7301.1 Each health care provider or health care facility that has obtained parental consent shall, as part of a well-child care visit, perform a blood lead level (BLL) screening test on every child who resides in the District of Columbia and who is served by the provider or facility, unless an identical test was performed not more than twelve (12) months before the well-child visit. Blood lead level screening tests shall be performed according to the following schedule:

- (a) Once between the ages of six (6) months and fourteen (14) months;
- (b) Once between the ages of twenty-two (22) and twenty-six (26) months; and
- (c) At least twice if a child over the age of twenty-six (26) months has not previously been tested for BLL. The tests for children over the age of twenty-six (26) months shall be conducted before the child attains the age of six (6) years and shall be conducted at least twelve (12) months apart, or according to a schedule determined appropriate by the health care provider or health care facility.

Subsection 7303.2 is amended to read as follows:

7303.2 Each laboratory that analyzes a blood sample taken from a child residing in the District of Columbia shall, within a week after completion of the analysis, submit a report that meets the requirements in § 7303.3, as follows:

- (a) The laboratory shall submit a written report to the health care provider or the health care facility where the sample was taken;
- (b) The laboratory shall submit a report to the Childhood Lead Poisoning Prevention Program (Program), through the Program's electronic reporting system; and
- (c) The laboratory shall immediately notify the health care provider or the health care facility and the Program of the results by telephone or fax if the child's BLL equals or exceeds ten micrograms of lead per deciliter (10 µg/dL).

DDOE has considered all public comments previously received on the proposed rulemakings as well as the draft revisions in amending the proposed regulations, which reflect a balance of health protections and economic and practical considerations, all within the confines of the Acts. If any additional comments are necessary on the changes in this third proposed rulemaking, persons may submit them by mail to:

Pierre Erville, Associate Director
District Department of the Environment
Lead and Healthy Housing Division
1200 First St. NE / 5th Floor
Washington DC 20002

Or, via email, to: pierre.erville@dc.gov

To be considered, all comments must be in writing and must be received or postmarked no later than thirty (30) days from the date of publication of this Third Notice of Proposed Rulemaking in the *D.C. Register*. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. The Department will look for the commenter's name and address on the comment. If a comment is sent by e-mail, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment. Including the commenter's name and contact information in the comment will avoid this difficulty.

Additional copies of this rulemaking may be obtained by either: (1) visiting DDOE's website, www.ddoe.dc.gov, and clicking on "Regulation & Law," then "Public Notices & Hearings," then clicking on the announcement for this rulemaking, and following directions to download the document in PDF "cut-and-paste" format; (2) e-mailing a request to pierre.erville@dc.gov with "Request copy of proposed lead rules" in the subject line; (3) stopping by DDOE's offices and asking for a copy at the 5th floor reception desk at the following address (mention "DDOE Lead Rules"); or (4) writing DDOE Lead and Healthy Housing Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attention: Lead Rules, requesting a copy" on the outside of the letter.

Those federal regulations incorporated by reference in the rulemaking can be obtained in hard copy at the Office of the Federal Register (OFR), 800 North Capitol St., NW, Ste. 700, Washington, DC 20001 or the Library of Congress, 101 Independence Ave., SE, Washington, DC 20540, and electronically on the OFR or the U.S. Government Printing Office (GPO) websites. OFR's website address is www.ofr.gov and GPO's website address is <http://www.gpoaccess.gov>.

DEPARTMENT OF HEALTH CARE FINANCE**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2006 Repl. & 2012 Supp.)) and section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2008 Repl.)) hereby gives notice of the intent to adopt the following new Chapter 94 of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled “Medicaid Provider and Supplier Screening, Enrollment, and Termination.” The proposed rulemaking governs the District of Columbia Medicaid Program’s procedures for provider and supplier screening, enrollment, and termination.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has issued guidance for State Medicaid programs as they implement changes to the provider and supplier screening, enrollment, and termination processes as required by the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148; 124 Stat. 119) (the Act). The requirements established through the Act and implementing regulations at 42 C.F.R. parts 405, 424, 447, 455, 457, 498, and 1007; and 42 C.F.R. parts 242 and 431 have necessitated a review of the District’s current practices for engaging providers and suppliers to participate in the D.C. Medicaid program. As a result, this rulemaking establishes the District’s first regulatory framework for provider and supplier applications, screening and enrollment, and termination.

To achieve compliance with federal law, DHCF also amended the District of Columbia State Plan for Medical Assistance (State Plan) to implement the new requirements. The State Plan amendment was approved by the Council of the District of Columbia (Council) through Res. 19-0811 on August 10, 2012. The State Plan amendment was approved by CMS on October 19, 2012, with an effective date of October 1, 2012.

The Director gives notice of the intent to take final rulemaking action to adopt this proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 29 of the District of Columbia Municipal Regulations (Public Welfare) is amended by adding the following new Chapter 94 to read as follows:

**CHAPTER 94 MEDICAID PROVIDER AND SUPPLIER SCREENING,
ENROLLMENT, AND TERMINATION**

9400 MEDICAID PROVIDER AND SUPPLIER GENERAL PROVISIONS

- 9400.1 An individual or entity that is engaged in the businesses of healing arts (“provider”) or supplying health and medical supplies (“supplier”) and desires to receive reimbursement for services provided to District of Columbia Medicaid beneficiaries shall be screened and enrolled pursuant to the requirements in this chapter.
- 9400.2 Providers and suppliers shall be authorized to deliver health services and supplies to Medicaid beneficiaries upon notification from the Department of Health Care Finance that the requirements for enrollment have been met.
- 9400.3 To initiate the enrollment process, a prospective Medicaid provider or supplier (“Applicant”) shall submit a completed D.C. Medicaid Provider/Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (“DMEPOS”) Provider/Supplier Application (“Application”) to the Department of Health Care Finance (“DHCF”).
- 9400.4 Applicants also shall be subject to screening through any of the following:
- (a) Ownership and Financial Disclosures;
 - (b) Criminal Background Checks;
 - (c) Fingerprinting; and/or
 - (d) Pre and Post Enrollment Site Visits.
- 9400.5 An Applicant shall submit to screening, produce all documentation listed on the Application, and adhere to the guidance and timeframes issued by DHCF throughout the enrollment or revalidation of enrollment process.
- 9400.6 DHCF shall revalidate all enrolled suppliers of DMEPOS every three (3) years, and all other Medicaid providers every five (5) years, in accordance with 42 C.F.R. § 455.414. The dates for revalidation of enrollment shall be calculated beginning on the date that the Director of DHCF (“Director”), or a designee, signs the Provider Agreement.
- 9400.7 DHCF shall screen any Applicant that has not been screened by Medicare or another state’s Medicaid program within the twelve (12) month period that precedes initial enrollment or revalidation of enrollment.
- 9400.8 For purposes of screening and enrollment, prospective providers and suppliers shall be classified either as “in-District” or “out-of-District” providers.
- 9400.9 In accordance with 42 C.F.R. § 455.470, DHCF may impose a temporary moratorium on the enrollment of any provider category or supplier if the

Secretary of the Department of Health and Human Services (“Secretary”) imposes a moratorium on the same provider category or supplier’s participation in the Medicaid program.

- 9400.10 In accordance with 42 C.F.R. § 455.470(b), DHCF may impose a temporary moratorium on the enrollment of new providers and suppliers, or otherwise limit the number of enrolled providers and suppliers, if DHCF identifies significant potential for fraud, waste, and abuse that is also aligned with the Secretary’s findings.
- 9400.11 Temporary moratoria shall be imposed for initial periods equal to one hundred eighty (180) days, and may be extended in one hundred eighty (180)-day increments.

9401 MEDICAID PROVIDER/SUPPLIER APPLICATION

- 9401.1 An Applicant shall submit a completed Application to DHCF, or its designee. The Application shall correspond to the appropriate category of provider and designated level of risk that DHCF assigns to the provider type.
- 9401.2 In accordance with Section 1128J(e) of the Social Security Act (42 U.S.C. § 1320a-7k(e)) and 42 C.F.R. § 431.107(b)(5), each Applicant shall obtain a National Provider Identification (NPI) number from the U.S. Department of Health and Human Services and ensure the NPI is provided on the Application submitted to DHCF.
- 9401.3 In addition to the Application, an out-of-District Applicant shall also submit the following, if applicable to the Applicant’s corporate structure:
- (a) The name of its registered agent, in accordance with D.C. Official Code §§ 29-104.01 *et seq.*, the business address, and telephone number of the registered agent;
 - (b) Proof of a physical business address and a business telephone number within the District of Columbia listed under the name of the business for the purpose of providing Medicaid services and sales; and
 - (c) The Medicaid provider number, supplier numbers from the state where the out-of-state business’ principal place of business is located and/or the active Medicare supplier number.

- 9401.4 DHCF shall review an Applicant's signed and finished Application within thirty (30) business days from the date it was received by DHCF. DHCF shall return a provider application package to the Applicant when DHCF determines the provider application package to be incomplete or to contain incorrect information. DHCF shall allow resubmission for incomplete or incorrect information a maximum of two (2) times within the same twelve (12) month period.
- 9401.5 DHCF may deny an Application through the screening process if DHCF determines that an Applicant has any of the following:
- (a) A conviction for a criminal offense that relates to the delivery of goods or services to a Medicaid beneficiary;
 - (b) A conviction for any criminal offense that relates to a violation of fiduciary responsibility or financial misconduct;
 - (c) Committed a violation of applicable Federal, state, or District laws or regulations governing Medicaid programs;
 - (d) Been excluded, suspended, or terminated from any program administered under Titles XVIII, XIX, and XXI of the Social Security Act;
 - (e) Been excluded, suspended, or terminated from any program managed by the District of Columbia;
 - (f) Been previously found by a licensing, certifying, or professional standards board to have violated the standards or conditions relating to licensure or certification of the services provided;
 - (g) Made a false representation or omission of any material fact in making the application;
 - (h) Demonstrated an inability to provide services, conduct business, or operate a financially viable entity; or
 - (i) Has had a provider application package returned by DHCF three (3) times in the past twelve (12) months due to incomplete or incorrect information.
- 9401.6 DHCF may deny an Application based on the current availability of services or supplies for beneficiaries taking into account geographic location and reasonable travel time and the number of providers of the same type of service or supplies enrolled in the same geographic area.

- 9401.7 DHCF shall deny an Application in accordance with § 9410.1.
- 9401.8 For a first-time Applicant to be a District Medicaid Provider, if the Application is denied, the Applicant shall not submit a new Application to DHCF sooner than one (1) year after the date that DHCF notified the Applicant of the denial.
- 9401.9 For an Applicant subject to revalidation, if the Application is denied, the Applicant shall not submit a new Application to DHCF sooner than two (2) years after the date that DHCF notified the applicant of the denial.
- 9401.10 The Application shall not be considered to be a Provider Agreement.
- 9401.11 The Provider Agreement shall be signed by the Director, or a designee. Upon approval of the Application, DHCF shall send the Applicant a welcome letter that shall indicate the effective date of the Provider Agreement.

9402 APPLICATION FEE

- 9402.1 An Applicant may be required to remit an Application Fee at the time of submission of the Application for enrollment or revalidation of enrollment. Assignment of Application Fees shall be subject to the following principles:
- (a) The Application Fee shall not exceed the amount established annually by the Centers for Medicare and Medicaid Services (“CMS”) and published in the Federal Register;
 - (b) DHCF shall not require an Application Fee if the Applicant is an individual physician or non-physician practitioner or has remitted an Application Fee to another state Medicaid program or to the Medicare program; and
 - (c) Application Fees shall be non-refundable.
- 9402.2 An Applicant may request a hardship exception from the Application Fee requirement by submitting a request to CMS. Any Applicant who receives a hardship exception shall attach a copy of the notification from CMS to the Application that is submitted to DHCF.

9403 MEDICAID PROVIDER OR SUPPLIER SCREENING

- 9403.1 Pursuant to 42 C.F.R. § 455.450, DHCF shall evaluate all Applications according to the level of categorical risk to which the provider or supplier type is assigned.
- 9403.2 An Applicant shall be classified according to the following risk categories:

- (a) High (subject to the screening requirements described in § 9404);
- (b) Moderate (subject to the screening requirements described in § 9405); or
- (c) Limited (subject to the screening requirements described in § 9406).

9403.3 An Applicant that may reasonably fit within more than one (1) risk category shall be screened according to the highest level of screening that applies to that provider or supplier type.

9403.4 DHCF shall adjust the categorical risk level from “Limited Risk” or “Moderate Risk” to “High Risk” under the following circumstances:

- (a) The Applicant has been excluded by the Office of Inspector General (“OIG”) of the U.S. Department of Health and Human Services within the previous ten (10) year period;
- (b) The Applicant has been excluded from another state’s Medicaid program within the previous ten (10) year period;
- (c) DHCF or CMS lifted a temporary moratorium during the previous six (6) months for the specific provider or supplier type that an Applicant is applying under, and the Applicant applies within six (6) months from the date the moratorium was lifted;
- (d) Medicare elevates the risk category for a particular provider type;
- (e) DHCF imposes a payment suspension against a provider due to a credible allegation of fraud, waste, or abuse; or
- (f) The provider has an existing Medicaid overpayment.

9403.5 Providers or suppliers who are classified as “Moderate Risk” or “High Risk” shall be required to attend an orientation session before signing the Medicaid Provider Agreement.

9403.6 DHCF shall reserve the right to modify screening requirements for any provider or supplier if DHCF determines Medicare or another state has successfully conducted a comparable screening on the same provider or supplier and that screening led to enrollment into Medicare or another Medicaid program.

9404 SCREENING PROVIDERS OR SUPPLIERS CLASSIFIED AS “HIGH RISK”

9404.1 Pursuant to 42 C.F.R. § 455.450, the following provider and supplier types shall be classified within the “High Risk” category:

- (a) Home Health Agencies (“HHAs”) and
- (b) Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (“DMEPOS”) suppliers.

9404.2 Screening for providers or suppliers classified as “High Risk” shall include the following:

- (a) Verification that the provider or supplier meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable Federal and District laws and regulations;
- (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 C.F.R. § 455.412;
- (c) Both pre- and post-enrollment database checks in order to ensure the provider or supplier continues to meet the enrollment criteria that corresponds to its provider or supplier type, in accordance with 42 C.F.R. § 455.436;
- (d) On-site visits conducted in accordance with 42 C.F.R. § 455.432;
- (e) Criminal background checks, pursuant to 42 C.F.R. § 455.434; and
- (f) Submission of fingerprints, pursuant to 42 C.F.R. § 455.434, for all providers or individuals who maintain a five-percent (5%) or greater ownership interest in the provider or supplier.

9405 SCREENING PROVIDERS OR SUPPLIERS CLASSIFIED AS “MODERATE RISK”

9405.1 Pursuant to 42 C.F.R. § 455.450, the following provider and supplier types shall be classified within the “Moderate Risk” category:

- (a) Community Mental Health Centers (“CMHCs”);
- (b) Hospices;

- (c) Home and Community Based Services (“HCBS”) Waiver providers;
- (d) Intermediate Care Facilities for Individuals with Intellectual Disabilities (“ICFs/IID”); and
- (e) Pharmacies.

9405.2 Screening for providers or suppliers classified as “Moderate Risk” shall include the following:

- (a) Verification that the provider or supplier meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable Federal and District laws and regulations;
- (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 C.F.R. § 455.412;
- (c) Both pre- and post-enrollment database checks in order to ensure the provider or supplier continues to meet the enrollment criteria that corresponds to its provider or supplier type, in accordance with 42 C.F.R. § 455.436; and
- (d) On-site visits conducted in accordance with 42 C.F.R. § 455.432.

9406 SCREENING PROVIDERS OR SUPPLIERS CLASSIFIED AS “LIMITED RISK”

9406.1 Pursuant to 42 C.F.R. § 455.450, any provider or supplier not designated as “Moderate Risk” or “High Risk” under §§ 9405 and 9404, shall be classified within the “Limited Risk” category:

9406.2 Screening for providers or suppliers classified as “Limited Risk” shall include the following:

- (a) Verification that the provider or supplier meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable Federal and District laws and regulations;
- (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 C.F.R. § 455.412; and

- (c) Both pre- and post-enrollment database checks in order to ensure the provider or supplier continues to meet the enrollment criteria that corresponds to its provider or supplier type, in accordance with 42 C.F.R. § 455.436.

9407 OWNERSHIP AND FINANCIAL DISCLOSURES

9407.1 Each Applicant and relevant fiscal agents shall disclose, at the time of application, the following information for all persons with direct or indirect ownership or control interest that is equal to or greater than five percent (5%):

- (a) Name;
- (b) Address of any person (individual or corporation);
- (c) Date of Birth;
- (d) Social Security Number (individual); and
- (e) Federal Tax Identification Number (corporation).

9407.2 Applicants and Medicaid providers or suppliers also shall provide the information required in Subsection 9407.1 at any of the following times:

- (a) Upon execution of the Provider Agreement;
- (b) Upon request of DHCF during the revalidation process; and
- (c) Within thirty-five (35) days following any change in ownership of the disclosing entity.

9408 CRIMINAL BACKGROUND CHECKS AND FINGERPRINTING

9408.1 In accordance with 42 C.F.R. § 455.434, Applicants shall consent to criminal background checks including fingerprinting when required to do so under District laws and regulations or by the level of screening based on the risk of fraud, waste, or abuse as determined for that category of provider or supplier.

9408.2 For Applicants categorized as “High Risk”, the provider or each individual with a five percent (5%) or greater direct or indirect ownership interest in a provider or supplier shall submit fingerprints.

9408.3 All other providers or individuals with a five percent (5%) or greater direct or indirect ownership interest in a provider or supplier shall submit fingerprints upon request, in a form and manner as specified in the Application, within thirty (30) calendar days from the date of the request from CMS or DHCF.

9409 SITE VISITS

9409.1 In accordance with 42 C.F.R. § 455.432, DHCF shall conduct unannounced, pre-enrollment and post-enrollment site visits of providers and suppliers who are designated as “Moderate Risk” or “High Risk.”

9409.2 DHCF shall reserve the right to conduct unannounced site visits of any provider or supplier enrolled in the Medicaid program.

9409.3 Applicants and enrolled providers and suppliers shall be required to permit on-site inspections to be conducted by the U.S. Department of Health and Human Services, including CMS, the Department of Health (“DOH”), DHCF, or any designee selected by any of the aforementioned. Site visits shall be used to verify that the information submitted to DHCF is accurate and to assess providers and suppliers’ compliance with all applicable Federal and District laws and regulations.

9410 PROVIDER AND SUPPLIER TERMINATION OR DENIAL OF ENROLLMENT

9410.1 In accordance with 42 C.F.R. §§ 455.416(a)-(f), DHCF shall initiate termination of the Provider Agreement, or deny the Application, of any provider or supplier when any of the following occurs:

- (a) Termination of a provider or supplier on or after January 1, 2011, under Title XVIII of the Social Security Act, or under the Medicaid program or Children’s Health Insurance Program (CHIP) in any state;
- (b) Failure to cooperate with screening methods and submit timely and accurate information by any individual with a five percent (5%) or greater direct or indirect ownership interest in a provider or supplier;
- (c) Conviction of a criminal offense related to Medicare, Medicaid, or CHIP in the last ten (10) years related to any individual with a five percent (5%) or greater direct or indirect ownership interest in a provider or supplier, unless DHCF determines that denial or termination is not in the best interests of the District’s Medicaid program and documents this determination in writing;

- (d) Failure to submit timely and accurate information by any individual with an ownership or control interest, or who is an agent or managing employee of the provider or supplier, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing;
- (e) Failure of individuals with a five percent (5%) or greater direct or indirect ownership interest in a provider or supplier to submit fingerprints upon request, in a form and manner determined by DHCF, within thirty (30) days from the date of the request, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing; or
- (f) Failure to permit access to provider or supplier's locations for any site visit required pursuant to 42 C.F.R. § 455.432, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing.

9410.2 In accordance with 42 C.F.R. § 455.416(g), DHCF may terminate the enrollment, or deny an Application, of any provider or supplier if CMS or DHCF finds either of the following:

- (a) The Applicant falsified any information provided on the Application; or
- (b) The Applicant's identity cannot be verified.

9410.3 DHCF shall enforce all terminations that result from the Secretary of the U.S. Department of Health and Human Services mandatorily excluding individuals or entities from participating in any Federal or state health care program, pursuant to 42 U.S.C. § 1320a-7(a), for the any of the following:

- (a) Conviction of program-related crimes;
- (b) Conviction relating to patient abuse;
- (c) Felony conviction relating to health care fraud; or
- (d) Felony conviction relating to a controlled substance.

9410.4 DHCF shall enforce all terminations that result from the Secretary of the U.S. Department of Health and Human Services permissively excluding individuals and entities from participating in any Federal or state health care program, pursuant to 42 U.S.C. § 1320a-7(b), for any of the following:

- (a) Conviction relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct;

- (b) Conviction in connection with the interference with, or obstruction of, any investigation or audit related to the use of funds received, directly or indirectly, from any Federally funded health care program;
- (c) Misdemeanor conviction relating to a controlled substance;
- (d) License revocation or suspension by a State licensing authority, including surrendering of such a license held while formal disciplinary proceeding is pending;
- (e) Exclusion, suspension, or sanction from any Federal or State program involving the provision of health care, including programs administered by the Department of Defense and Department of Veterans Affairs;
- (f) Submission of claims reflecting excessive charges and/or unnecessary services;
- (g) Failure to provide medically necessary services, and thereby adversely impacting covered individuals;
- (h) Committing acts that constitute fraud, facilitate kickbacks, and/or support other prohibited activities, pursuant to 42 U.S.C. §§ 1320a-7a, 1320a-7b, or 1320a-8;
- (i) Allowing a sanctioned individual to hold a five percent (5%) or more direct or indirect ownership or control interest, serve as an officer, director, agent, or managing employee;
- (j) Allowing an individual to hold a direct or indirect ownership or control interest in a sanctioned entity when the individual knows, or should know, of the action that resulted in conviction or exclusion from Medicare or a state health care program;
- (k) Failure to disclose information required to process an Application or revalidate enrollment, including requested information on subcontractors and/or suppliers;
- (l) Failure to permit examination of records supporting payment;
- (m) Failure to grant immediate access, upon reasonable request, to the Secretary, or designee; the Inspector General of the Department of Health and Human Services; or representatives of DHCF or the Medicaid Fraud Control Unit;

- (n) Failure of a hospital to comply substantially with corrective action commenced in accordance with 42 U.S.C. § 1395ww(f)(2)(B);
- (o) Default on health education loan or scholarship obligations by an individual, except physicians who provide unique services to the community serviced; and
- (p) Making false statements or misrepresentation of material facts in any application, agreement, bid, or contract to participate or enroll as a provider or supplier under a Federal health care program.

9410.5 As set forth in 42 U.S.C. §§ 1320a-7(c)-(g), DHCF shall adhere to Federal guidelines governing terminations that occur pursuant to Subsections 9410.4 and 9410.5.

9410.6 Nothing in this section shall supersede or lessen the force of any other laws or regulations that govern provider participation in the Medicaid program, including the False Claims Act, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-381.02 (2008 Repl.)).

9411 NOTICE AND APPEALS

9411.1 If under this chapter the Director proposes to terminate the provider agreement or deny enrollment to an applicant or reenrolling provider or supplier, then the Director shall send written notice to the provider or Applicant. The notice shall include the following:

- (a) The basis and reasons for the proposed termination of the provider agreement or denial of enrollment;
- (b) The provider's or applicant's right to dispute the allegations and to submit evidence to support his or her position; and
- (c) Specific reference to the particular sections of relevant statutes, rules, provider agreement and/or provider manuals.

9411.2 Within thirty (30) days of the date on the notice, the provider, applicant or reenrolling provider or supplier may submit documentary evidence and accompanying written argument against the proposed termination or denial of enrollment.

9411.3 If the Director decides to terminate the provider agreement or deny enrollment after the provider, applicant or reenrolling provider or supplier files a response, then the Director shall send written notice of the termination or denial of enrollment to the provider, applicant or reenrolling provider or supplier. The

notice shall be sent at least fifteen (15) days before the decision becomes effective, and shall include the following:

- (a) The reason for decision;
- (b) The effective date of the decision;
- (c) The earliest date on which the Director shall accept an application for enrollment or a request for reinstatement;
- (d) The requirements and procedures for enrollment in the District's Medicaid Program; and
- (e) The provider, applicant or reenrolling provider or supplier's right to request a hearing by filing a notice of appeal with the Office of Administrative Hearings.

9411.4 If the provider, applicant or reenrolling provider or supplier files a notice of appeal within fifteen (15) days of the date of the notice of termination or denial of enrollment, then the effective date of the proposed action shall be stayed pending a decision following final action by the Office of Administrative Hearings.

9499 DEFINITIONS - For purposes of this section, the following terms shall have the meanings ascribed:

Medicaid Provider/Supplier Application - The general or provider/supplier-specific application developed by DHCF, and required to initiate participation as a D.C. Medicaid provider or supplier.

Disclosing Entity - A prospective or enrolled Medicaid provider or supplier (other than an individual practitioner or group of practitioners), or a fiscal agent.

Federal Health Care Program - Shall have the meaning ascribed in 42 U.S.C. § 1320a-7b(f).

In-District Applicants - Prospective Medicaid providers or suppliers that are located inside of the District of Columbia Consolidated Metropolitan Statistical Area, as defined by the United States Census Bureau.

Out-of-District Applicants - Prospective Medicaid providers or suppliers that are located outside of the District of Columbia Consolidated Metropolitan Statistical Area, as defined by the United States Census Bureau.

Provider Agreement - Official enrollment document establishing roles, responsibilities, and rights of a District Medicaid provider/supplier.

Comments on these proposed rules shall be submitted in writing to Linda Elam, Ph.D., M.P.H., Senior Deputy Director - Medicaid, Department of Health Care Finance, 899 North Capitol Street, NE, 6th Floor, Washington, DC 20002, via email at DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov or by telephone at (202) 442-9115, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 24 of the Emergency Medical Services Act of 2008 (Act), effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.23 (2012 Supp.)); and Mayor’s Order 2009-89, dated June 1, 2009, hereby gives notice of his intent to take final action to adopt in not less than thirty (30) days after the date of publication in the *D.C. Register*, the following rules to amend Chapter 5 (Ambulance Service) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will establish regulations regarding the provision of emergency medical services, including: the provision of ambulance services; emergency medical service provider certifications; approval of emergency medical service educational institutions and courses; and penalties for violations of the regulations. The regulations will also incorporate certain national standards for the provision of emergency medical services. Incorporation of recognized national standards for the establishment and oversight of the District’s pre-hospital care will ensure that persons and entities providing emergency medical services and education in the District of Columbia are properly qualified and supervised.

Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Chapter 5, AMBULANCE SERVICE, is repealed and replaced in its entirety to read as follows:

CHAPTER 5 EMERGENCY MEDICAL SERVICES

500 GENERAL PROVISIONS

500.1 The purpose of this chapter shall be to ensure high quality pre-hospital care for children and adults in the District of Columbia.

- 500.2 The provisions of this chapter shall apply to every one of the following:
- (a) Persons performing the duties of emergency services personnel, compensated or uncompensated, within the District of Columbia;
 - (b) Entities providing emergency medical services within the District of Columbia, public or private, for-profit or not-for-profit, including owners or operators of emergency medical services agencies and owners or operators of emergency medical response vehicles; and
 - (c) Persons and entities providing emergency medical services training and instruction, public or private, for-profit or not-for-profit, within the District of Columbia.

- 500.3 The provisions of this chapter shall not apply to the following:
- (a) The unexpected rendering of immediate care by a private citizen, or the unexpected use of a privately owned vehicle which is not ordinarily used in the business of transporting persons who are sick, injured, wounded, or otherwise incapacitated or helpless, in the performance of a lifesaving act;
 - (b) Agencies, vehicles, or training facilities owned or operated by the United States government and operating on federal property;
 - (c) Agencies operating within the District of Columbia pursuant to mutual aid agreements;
 - (d) Validly licensed or certified emergency medical response vehicles based outside the District which do not otherwise constitute public vehicles for hire; and
 - (e) Validly licensed vehicles operated solely for the transportation of non-emergency patients to and from treatment facilities as outpatients; provided, that this exemption shall not apply to any vehicle which is in any way held out as an emergency medical response vehicle.

501 AMBULANCE SERVICES

- 501.1 No person shall operate or hold itself out as operating an ambulance in the District unless the operator holds a currently valid certificate issued pursuant to this chapter for that ambulance.
- 501.2 No person shall advertise or disseminate information to the public that emergency medical technician ambulance service is offered unless that service is:
- (a) Provided by District-certified emergency medical technicians;
 - (b) Operating District-certified basic life support ambulances, as defined by the Director pursuant to § 510 of this chapter; and
 - (c) Operating on a continuous twenty-four (24) hour per day basis except for those agencies providing special event coverage.
- 501.3 No person shall advertise or disseminate information to the public that paramedic ambulance services are offered unless that service is:
- (a) Provided by District-certified paramedics;

- (b) Operating District-certified advanced life support ambulances, as defined by the Director pursuant to § 510; and
- (c) Operating on a continuous twenty-four (24) hour per day basis.

501.4 Advertising or information regarding ambulance services may only appear on emergency medical response vehicles, as defined in to § 510, used on a continuous twenty-four (24) hour per day basis to provide service.

502 CERTIFICATION AS AN EMERGENCY MEDICAL SERVICES AGENCY

502.1 No person, including volunteer groups and government entities shall operate an Emergency Medical Services Agency in the District without holding a valid certification issued pursuant to this chapter, except as provided in § 500.3.

502.2 An Emergency Medical Services Agency that provides EMS services during a special event must be certified as a District EMS Agency, whether or not it operates an ambulance or response vehicle.

502.3 Application for certification as an Emergency Medical Services Agency shall be submitted to the Director of the District of Columbia Department of Health (Director) in accordance with this chapter.

502.4 Before applying for certification as a District of Columbia Emergency Medical Services Agency that intends to operate an ambulance service, one shall first obtain a Certificate of Need in accordance with the Health Services Planning Program Reestablishment Act of 1996 (D.C. Law 11-191; D.C. Official Code §§ 44-401, *et seq.* (2005 Repl. & 2012 Supp.)), and the Certificate of Need Regulations (22-B DCMR § 4000, *et seq.*).

502.5 A person operating an Emergency Medical Services Agency under an authorization of the Director issued before the effective date of this chapter shall be considered certified under this chapter for a period of two (2) years from the effective date of this chapter, after which the agency shall apply for renewal of its certification in accordance with this chapter.

502.6 An application for certification as an Emergency Medical Services Agency shall be made in a manner established by the Director and shall contain the following:

- (a) The name and address of the applicant;
- (b) The name under which the applicant is doing business or proposes to do business;

- (c) A description of each vehicle, including the make, model number, year of manufacture, and any distinguishing characteristics to be used to designate the applicant's vehicle (if applicable);
- (d) The location and description of the place or places from which the applicant intends to operate;
- (e) The geographic boundaries of the applicant's proposed response area;
- (f) Category of certification the applicant is applying for (basic or advanced life support, first responder, ground transport, or air medical);
- (g) The patient care reporting system that the applicant intends to use, which shall be compliant with the current United States National Highway Transportation Safety Administration (NHTSA) or National Emergency Medical Services Information System (NEMSIS) standard;
- (h) The name, address, phone number, e-mail address, and District medical license number, and DEA certificate of the physician medical director;
- (i) The name, address, phone number, fax number (if available), and e-mail address of the person in charge of day-to-day operations;
- (j) Insurance information, to include the name of the insurance company, agent, phone number, e-mail address, and type of coverage;
- (k) Proof of meeting the following minimum insurance limits; provided that this requirement shall not apply to ambulances owned and operated by an agency of the District government:
 - (1) Commercial general liability:
 - (A) Per occurrence: one million dollars (\$1,000,000);
 - (B) Aggregate: two million dollars (\$2,000,000);
 - (C) Products and completed operations: two million dollars (\$2,000,000); and
 - (D) Personal/advertising injury: one million dollars (\$1,000,000);
 - (2) Vehicle liability: one million dollars (\$1,000,000) per occurrence;

- (3) Worker's compensation, employers' liability:
 - (A) Each accident: five hundred thousand dollars (\$500,000);
 - (B) Employee disease: five hundred thousand dollars (\$500,000); and
 - (C) Disease policy limit: five hundred thousand dollars (\$500,000);
- (4) Umbrella or excess liability: two million dollars (\$2,000,000);
- (5) Professional liability:
 - (A) Per occurrence: one million dollars (\$1,000,000); and
 - (B) Aggregate: three million dollars (\$3,000,000);
- (l) A copy of the applicant's Drug Enforcement Agency license, where applicable;
- (m) A copy of the applicant's protocols and authorized drug list (as applicable), signed and dated by the medical director;
- (n) A written agreement with the applicant's medical director that specifies:
 - (1) The duties of the medical director;
 - (2) The responsibilities of the medical director;
 - (3) The authority of the medical director;
 - (4) The specific responsibilities of each EMS physician if the agency has multiple assistant medical directors; and
 - (5) That adequate indemnification exists for:
 - (A) Medical malpractice; and
 - (B) Civil liability;
- (o) A written agreement with the applicant's operational director that specifies:
 - (1) The duties of the operational director;

- (2) The responsibilities of the operational director; and
- (3) The authority of the operational director;
- (p) A written agreement with the applicant's quality improvement officer that specifies:
 - (1) The duties of the quality improvement officer;
 - (2) The responsibilities of the quality improvement officer; and
 - (3) The authority of the quality improvement officer;
- (q) A written quality improvement plan, approved by the applicant's medical director, in accordance with Section 555 of this chapter; and
- (r) A written emergency response plan that includes the following:
 - (1) How the applicant will receive calls for assistance;
 - (2) How the applicant will respond to calls for assistance; and
 - (3) How the non-transport applicant will summon transport services.

502.7 The Director shall evaluate each applicant before issuing a certificate. The evaluation may include the inspection of:

- (a) Vehicles;
- (b) Equipment;
- (c) Staffing capability;
- (d) Records;
- (e) Premises; and
- (f) Operational procedures.

502.8 If the Director determines that an applicant has met the requirements of this chapter, the Director shall issue a certificate to the applicant. The certificate shall be valid for not more than two (2) years.

- 502.9 A certified Emergency Medical Services Agency shall notify the Director no later than five (5) business days after the expansion of any service provided by the agency or any change in headquarters or substation location.
- 502.10 An applicant or Emergency Medical Services Agency shall furnish to the Director, upon his or her request, a copy of any insurance policy required by § 502.5.
- 502.11 Each Emergency Medical Services Agency shall provide for twenty-four (24) hour physician supervision by a physician licensed in the District of Columbia and shall report to the Director the means of this supervision at the time of application for certification and upon renewing the certification.
- 502.12 After the Director issues a certificate, the Director may inspect an agency on a scheduled or random basis. An inspection may include inspection of the items listed in § 502.6.
- 502.13 If the Director denies an application for certification, the applicant may appeal the denial pursuant to the rules of the District of Columbia Office of Administrative Hearings .
- 502.14 The Director may suspend or revoke an agency's certificate at any time the Director determines that the agency no longer meets the requirements for operating as a certified Emergency Medical Services Agency.
- 502.15 An Emergency Medical Services Agency certification shall not be transferable.
- 502.16 An Emergency Medical Services Agency certificate shall be displayed in the principal place of business of the agency, with a copy in each place of operation.

503 CHANGE IN INFORMATION

- 503.1 An Emergency Medical Services Agency shall notify the Director, in a manner that the Director prescribes, of any change in the protocols or authorized drug list of the agency no fewer than thirty (30) days prior to the change.
- 503.2 An Emergency Medical Services Agency shall notify the Director, in a manner that the Director describes, of any change in the medical director of the agency, as required by Subsection 504.6.

504 EMERGENCY MEDICAL SERVICES AGENCIES: MEDICAL DIRECTORS

- 504.1 The medical director of a certified Emergency Medical Services Agency shall be responsible for maintaining the quality of the patient care provided by the Emergency Medical Services Agency and of ensuring that the Emergency Medical Services Agency engages in adequate quality assurance activities, including:
- (a) Initial and continuing education training;
 - (b) The establishment and maintenance of policies and procedures covering the operations, training, and quality oversight of the agency;
 - (c) A requirement that the medical director or his or her designee review patient care reports in accordance with their quality assurance and improvement plan as outlined in § 555 of this chapter;
 - (d) A requirement that the medical director or his or her designee review field communications recordings in accordance with their quality assurance and improvement plan as outlined in § 555;
 - (e) A requirement that the medical director or his or her designee perform post-run interviews and case conferences in accordance with their quality assurance and improvement plan as outlined in § 555;
 - (f) Investigations of all complaints; and
 - (g) The establishment and enforcement of pre-hospital medical care and treatment protocols to be used by EMS providers working under their supervision as members of the Emergency Medical Services Agency.
- 504.2 The medical director shall serve as the medical authority for the certified Emergency Medical Services Agency and shall serve as the liaison of the Emergency Medical Services Agency with the medical community, medical facilities, and governmental entities.
- 504.3 The medical director shall have authority sufficient to oversee the quality of patient care for all EMS providers within the agency. The medical director:
- (a) May withdraw, at his or her discretion, the authorization for personnel to perform any or all patient care procedures;
 - (b) Shall notify the District EMS Officer using the appropriate form of any provider whose authorization to render care has been withdrawn within seventy-two (72) hours of the withdrawal; and
 - (c) Shall also notify any other known EMS agency that sponsors the provider within seventy-two (72) hours of the withdrawal of authorization.

- 504.4 The medical director shall establish and maintain the agency's protocols and authorized drug list. The medical director shall sign and date the protocols and the authorized drug list.
- 504.5 An Emergency Medical Services Agency shall notify the Director of any change in the medical director of the agency no fewer than thirty (30) days prior to the change and no later than fifteen (15) days after naming a replacement.
- 504.6 An emergency or temporary change of the medical director shall be reported as follows:
- (a) When an agency's medical director is unable to serve because of emergency circumstances, such as death or critical illness, the agency shall notify the Director within two (2) business days and shall further notify the Director upon naming a replacement; and
 - (b) When there is a temporary change of less than one (1) year, such as for a military commitment, the agency shall notify the Director no later than fifteen (15) days after naming a replacement.

505 EMERGENCY MEDICAL SERVICES AGENCIES: LOCATION

- 505.1 An Emergency Medical Services Agency shall maintain a fixed physical location. The agency shall notify the Director no fewer than thirty (30) days prior to any change in the location before the agency moves to the new location.

506 EMERGENCY MEDICAL SERVICES AGENCIES: STORAGE OF LINENS, EQUIPMENT, AND SUPPLIES

- 506.1 An Emergency Medical Services Agency shall supply adequate, clean, and enclosed storage space for linens, equipment, and supplies at each place of operation. The storage shall be maintained as follows:
- (a) An area used for storing equipment or supplies shall be kept neat, clean, and sanitary;
 - (b) When the Emergency Medical Services Agency is operating an ambulance, an area used for storing linens shall be kept neat, clean, and sanitary;
 - (c) Soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers, or compartments provided for this purpose; and

- (d) Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.
- 506.2 An area used for storing medications and administration devices shall comply with the applicable drug or device manufacturer's recommendations for climate-controlled storage.
- 506.3 Narcotics and other controlled substances shall be stored and maintained in accordance with District and federal laws and regulations.
- 506.4 Medications and medication kits shall not be maintained past their expiration date.
- 506.5 Medications and medication kits shall be removed from vehicles and stored in a properly maintained and locked secure area when the vehicle is not in use, unless the ambient temperature of the vehicle's medication storage compartment is maintained in accordance with the Department of Health's (DOH) climate requirements.
- 506.6 Medication and medication kits shall be stored in the vehicle in accordance with § 511 of this chapter.
- 506.7 An Emergency Medical Services Agency, in addition to other applicable regulatory reporting requirements, shall notify the Director in writing of any diversion, loss, theft, or tampering with any controlled substance, medication delivery system, or other regulated medical device from the agency's facility or vehicle. Notification shall be made no later than seventy-two (72) hours after the discovery of the occurrence.

507 EMERGENCY MEDICAL SERVICES AGENCIES: RECORDS

- 507.1 An Emergency Medical Services Agency shall maintain records that include:
 - (a) Approved patient care report forms;
 - (b) Employee or member rosters;
 - (c) Time sheets;
 - (d) Call rosters;
 - (e) Training records;
 - (f) Dispatch logs, which shall include:

- (1) The type of call;
- (2) The time the call was received;
- (3) The time the call was dispatched;
- (4) The time that personnel responded;
- (5) The time that personnel arrived on the scene;
- (6) The time that transport service was requested (for non-transport response agencies);
- (7) The time that transport of the patient to the hospital began (if applicable);
- (8) The time the patient arrived at the hospital (if applicable);
- (9) The time that personnel returned to service; and
- (10) The disposition of the call.

507.2 An Emergency Medical Services Agency shall prepare and securely maintain records at its principal place of operations or a secured storage facility for not less than six (6) years and shall make the records available for inspection by the Director.

507.3 Records shall be stored in a manner that ensures reasonable safety from water and fire damage and from unauthorized disclosure.

507.4 An Emergency Medical Services Agency shall supply copies of records to the Director upon request.

507.5 An Emergency Medical Services Agency that fails to make its records available for inspection by the DOH, or fails to provide copies of records to the Director upon request, may be subject to fines, suspension, or termination of certification to operate an Emergency Medical Services Agency.

507.6 An Emergency Medical Services Agency shall maintain a current personnel record for each individual provider affiliated with the agency. The personnel record shall include:

- (a) A copy of the provider's current National Registry of Emergency Medical Technicians (NREMT) certification;
- (b) A copy of the provider's current DOH certification;

- (c) A copy of the provider’s current cardiopulmonary resuscitation (CPR) card;
- (d) A copy of the provider’s current Advanced Cardiac Life Support (ACLS) card (if applicable); and
- (e) A copy of training records and qualifications for the positions held.

507.7 An Emergency Medical Services Agency shall provide a roster showing each provider’s name, address, e-mail address, NREMT certification number, and DOH certification number to the Director annually, as part of the agency’s annual report, due no earlier than January 1 and not later than March 1 of each year.

507.8 If an Emergency Medical Services Agency operates an emergency response vehicle, the agency shall maintain each vehicle currently in use in accordance with the manufacturer’s recommendations for preventative maintenance.

507.9 If an Emergency Medical Services Agency operates an emergency response vehicle, the agency shall maintain records on each vehicle currently in use. The vehicle records shall include:

- (a) Maintenance records demonstrating adherence to the manufacturer’s recommendations for preventative maintenance;
- (b) A valid vehicle registration;
- (c) A vehicle inspection certificate;
- (d) Proof of vehicle insurance coverage; and
- (e) Reports of any collision involving the vehicle.

508 EMERGENCY MEDICAL SERVICES AGENCIES: LONG-TERM RESPONSES TO MUTUAL AID REQUESTS

508.1 If an emergency response vehicle of an Emergency Medical Services Agency responds on a mutual aid request that is located outside of the District of Columbia for a period that exceeds forty-eight (48) hours, the agency shall notify the District EMS Officer no later than twenty-four (24) hours after responding.

509 EMERGENCY MEDICAL SERVICES AGENCIES: PATIENT CARE REPORTS

- 509.1 An Emergency Medical Services Agency shall complete a Patient Care Report (PCR) for each patient that the EMS provider sees. Each PCR shall include the name and the DOH certification number of all EMS providers who attended to the patient and shall include the signature of the EMS provider in charge of the patient's care.
- 509.2 The PCR shall be completed according to the current NHTSA or NEMSIS standard as published in DOH policy.
- 509.3 The Emergency Medical Services Agency shall maintain each PCR in compliance with Health Insurance Portability and Accountability Act (HIPAA) and other applicable District or federal laws or regulations.

**510 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES:
CERTIFICATIONS**

- 510.1 No ground ambulance or emergency medical response vehicle shall be operated in the District of Columbia (except in response to a mutual aid agreement or as otherwise authorized by the Mayor or Director) unless it has a valid certification issued pursuant to this chapter and is operated by a certified Emergency Medical Services Agency.
- 510.2 Before receiving a certification for an ambulance or emergency medical response vehicle, an applicant shall submit to the Director the following information for each vehicle:
- (a) The name and address of the applicant and the owner of the vehicle;
 - (b) A description of the vehicle, including the make; model number; year of manufacture; vehicle identification number; vehicle license tag number; length of time the vehicle has been in use; and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the vehicle;
 - (c) The address of the location from which the vehicle will operate; and
 - (d) Other information that the Director deems reasonably necessary to determine compliance with this chapter.
- 510.3 Before receiving a certification for a ground ambulance, an applicant shall submit the following additional information to the Director for each ground ambulance:
- (a) The location of the Certificate of Star-of-Life Ambulance, identifying compliance with *Federal Specification for the Star-of-Life Ambulance KKK-A-1822* at the time the ambulance was manufactured; or

- (b) The location of the certificate attesting that the ambulance was in compliance with NFPA 1917 “Standard for Automotive Ambulances” at the time the ambulance was manufactured.
- 510.4 No certification for a ground ambulance shall be issued unless the Director finds that the ambulance is, and will be at all times when in use as an ambulance:
- (a) Built and equipped in accordance with the certification specified in § 510.3 above at the time the ambulance was manufactured;
- (b) Equipped with the mandatory items specified in the *Equipment for Ambulances* joint document published by the American College of Surgeons (ACS), the American College of Emergency Physicians (ACEP), and the National Association of Emergency Medical Services Physicians (NAEMSP); or DOH required equipment list.
- (c) Covered by insurance of a kind and in amounts conforming to the standards set forth by the Director pursuant to § 502 of this chapter; provided that this requirement shall not apply to ambulances owned and operated by an agency of the District government; and
- (d) Equipped in compliance with these regulations at all times unless the ambulance is out of service.
- 510.5 Each ambulance shall be equipped with not less than twenty (20) triage tags.
- 510.6 The District EMS Officer or designee shall inspect all ground ambulances for compliance with the vehicle requirements for the class in which a certification is sought.
- 510.7 A ground ambulance vehicle certificate shall be issued if all of the following conditions are met:
- (a) All information contained in the application is complete;
- (b) The applicant is a certified District Emergency Medical Services Agency;
- (c) The ambulance is registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate; and
- (d) The ambulance meets the minimum requirements as provided in this chapter.
- 510.8 The Director shall issue two (2) decals with each ambulance certificate.

510.9 The decals, which indicate that the ambulance has been certified by the Director and the date on which the certification expires, shall be affixed in prominent places on the front and rear of the ambulance.

510.10 The certificate shall be kept on file either at the place from which the ambulance operates or other designated place of the Emergency Medical Services Agency.

511 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: NON-TRANSPORT VEHICLES

511.1 An emergency medical response vehicle maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level, but not to provide patient transport, shall be certified as a non-transport emergency medical response vehicle. Such vehicles would include fire apparatus, response cars, and other non-transport vehicles, but does not include air or watercraft.

511.2 A non-transport EMS vehicle shall be certified pursuant to § 510 of this chapter.

511.3 A non-transport EMS vehicle shall not be used for the transportation of patients except in the case of unstable or potentially unstable patients when there is no transport unit immediately available. In such an event, the circumstances of the call shall be documented by the Emergency Medical Services Agency and reported to the Director within seventy-two (72) hours.

511.4 A non-transport emergency medical response vehicle shall be constructed to provide sufficient space for the safe storage of the equipment and supplies required by this chapter.

511.5 A non-transport emergency medical response vehicle used for advanced life support shall have a locking storage compartment or approved locking bracket for the security of medications and medication kits within the vehicle interior, locked compartment, or trunk, which shall be inaccessible to the public. When not in use, medications and medication kits shall be kept locked in the required storage compartment or approved bracket at all times.

511.6 A non-transport emergency medical response vehicle shall have a motor vehicle safety inspection performed by the District of Columbia Department of Motor Vehicles after the completion of its conversion to a non-transport emergency medical response vehicle and before an application for a non-transport emergency medical response vehicle certificate is submitted.

511.7 Each non-transport emergency medical response vehicle shall be equipped with not less than twenty (20) triage tags.

- 511.8 A non-transport emergency medical response vehicle certificate shall be issued if all of the following conditions are met:
- (a) All information contained in the application is complete;
 - (b) The applicant is a certified District Emergency Medical Services Agency;
 - (c) The vehicle is registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate; and
 - (d) The vehicle meets the minimum requirements as provided in this chapter.
- 511.9 The Director shall issue two (2) decals with each non-transport emergency medical response vehicle certificate.
- 511.10 The decals, which indicate when the certificate expires, shall be affixed in prominent places on the front and rear of the vehicle.
- 511.11 The certificate shall be kept on file either at the place from which the non-transport emergency medical response vehicle operates or other designated place of the Emergency Medical Services Agency.

512 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: AIR AMBULANCES

- 512.1 An aircraft maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level and for the transportation of patients shall be certified as an emergency medical response vehicle, operating as an air ambulance, pursuant to § 510.
- 512.2 An air ambulance shall be commercially constructed and certified to comply with the U.S. Federal Aviation Administration standards in effect on the date of its construction.
- 512.3 An air ambulance shall be constructed to provide sufficient space for safe storage of the equipment and supplies required by this chapter.
- 512.4 Equipment and supplies as specified in the Emergency Medical Services Agency's protocols shall be available for access and use from inside the patient compartment of the air ambulance.
- 512.5 An air medical certificate shall be issued if all of the following conditions are met:

- (a) All information contained in the application is complete;
- (b) The applicant is a certified District Emergency Medical Services Agency;
- (c) The aircraft is registered with the Federal Aviation Administration; and
- (d) The aircraft meets the minimum requirements as provided in this chapter.

512.6 An air ambulance certificate shall not be sold, transferred, or assigned without the approval of the Director.

**513 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES:
INSPECTIONS**

513.1 Each Emergency Medical Services Agency's vehicle, its equipment, all associated records, and the premises designated in its application, shall be available for inspection by the District EMS Officer or his or her designee during the usual hours of operation.

513.2 The Director may subject any emergency medical response vehicle certified under this chapter to an unscheduled inspection to determine compliance with certification standards.

513.3 An emergency medical response vehicle certification issued under this chapter shall be valid for one (1) year; provided that the Emergency Medical Services Agency maintains a valid District certification.

513.4 The Director shall renew an emergency medical response vehicle certification upon submission of an application demonstrating compliance with all certification requirements, as though the vehicle were the subject of an application for an original certification.

**514 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES:
OPERATING STANDARDS**

514.1 The owner of an emergency medical response vehicle shall maintain the vehicle in good repair and safe operating condition and shall meet the same motor vehicle, vessel, or aircraft safety requirements as apply to all vehicles, vessels, or aircraft in the District of Columbia.

514.2 The owner of an emergency medical response vehicle shall maintain current District of Columbia motor vehicle safety inspection, Federal Aviation

- Administration (FAA) Airworthiness Permit, or Coast Guard Safety Inspection or approved equivalent.
- 514.3 The owner of an emergency medical response vehicle shall keep exterior surfaces of the vehicle, including windows, mirrors, warning devices, and lights free of dirt and debris.
- 514.4 The operator of any ground emergency medical response vehicle shall exercise emergency operating privileges, including the use of audible and visible emergency warning devices, in compliance with the laws and regulations of the District of Columbia.
- 514.5 No person shall smoke at any time in an emergency medical response vehicle.
- 514.6 Except as follows, no person shall possess a firearm, weapon, explosive, or incendiary device on an emergency medical response vehicle:
- (a) A sworn law-enforcement officer is authorized to carry a weapon; or
 - (b) A rescue line gun or other rescue device powered by an explosive charge may be carried on a non-transport response vehicle.
- 514.7 An emergency medical response vehicle shall only be operated by an individual who is properly trained and licensed.
- 514.8 Each occupant of a ground emergency response vehicle shall use mechanical restraints as required by the Mandatory Use of Seat Belts Act of 1985, effective December 12, 1985 (D.C. Law 6-73; D.C. Official Code §§ 50-1801, *et seq.* (2009 Repl.)).
- 514.9 Equipment and supplies in the patient compartment of an emergency response vehicle shall be stored within a closed and latched compartment or fixed securely in place while not in use.
- 514.10 While the vehicle is in motion, equipment and supplies at or above the level of the patient's head while supine on the primary ambulance stretcher shall be secured in place to prevent movement.
- 514.11 An emergency response vehicle shall adhere to the requirements for sanitary conditions and supplies that apply to an emergency medical response vehicle in accordance with standards established and published by the Centers for Disease Control and Prevention.
- 514.12 The interior of an emergency medical response vehicle, including storage areas, linens, equipment, and supplies shall be kept clean and sanitary.

- 514.13 Linen or disposable sheets and pillowcases or their equivalent used in the transport of patients shall be changed after each use.
- 514.14 Blankets, pillows, and mattresses used in a ground or air ambulance vehicle shall be kept clean and in good repair.
- 514.15 A device inserted into the patient's nose or mouth that is single-use shall be disposed of after use. A reusable item shall be sterilized or high-level disinfected according to current guidelines of the Centers for Disease Control and Prevention (CDC) before reuse. Each reusable item, if not individually wrapped, shall be stored in a separate closed container or bag.
- 514.16 A used sharp item shall be disposed of in a leak-proof, puncture-resistant, and appropriately marked biohazard container (needle-safe device/sharps box) that is securely mounted.
- 514.17 The operator and staff of an emergency response vehicle shall ensure that after a patient is treated or transported within the vehicle and before the vehicle is occupied by another patient:
- (a) Contaminated surfaces shall be cleaned and disinfected using a method recommended by the CDC;
 - (b) Soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers, or compartments provided for this purpose; and
 - (c) Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.
- 514.18 The EMS agency shall maintain a written policy detailing the procedures to be followed:
- (a) If a mechanical failure occurs with an emergency medical response vehicle when responding to an incident;
 - (b) If a mechanical failure occurs with an emergency medical transport vehicle when transporting a patient;
 - (c) For completing and filing dated inventory sheets daily to ensure each ambulance is clean, has adequate supplies, and is safe to operate;
 - (d) For keeping records of all maintenance performed on the vehicle during its service life;

- (e) For reporting to DOH any accident with an emergency medical transport vehicle when transporting a patient that results in injury to the patient; and
- (f) For reporting to DOH the number of accidents per year involving emergency medical response vehicles, as part of the agency's annual report, due no earlier than January 1 and not later than March 1 of each year.

515 EMERGENCY MEDICAL SERVICES PROVIDERS

- 515.1 No person shall hold himself or herself out as being an emergency medical services provider in the District without holding a valid certification issued pursuant to this chapter.
- 515.2 An applicant for certification as an emergency medical services provider shall be at least eighteen (18) years old.
- 515.3 An applicant for certification as an emergency medical service provider shall be sponsored by a District certified EMS agency.
- 515.4 The applicant shall have the endorsement of the sponsoring agency's medical director.
- 515.5 Each applicant for certification as an emergency medical service provider must pass the NREMT written and practical examination following successful completion of a course of study no less stringent than the *National Emergency Medical Services Education Standards* published by the National Highway Traffic Safety Administration of the United States Department of Transportation for the certification level desired.
- 515.6 The applicant shall affirm that he or she possesses the requisite physical and mental health and is free from addiction to narcotics or alcoholic beverages or from physical or mental impairments or diseases that would impair the applicant's ability to provide emergency care for persons transported by ambulance.
- 515.7 The applicant shall have no physical or mental impairment that would render him or her unable to perform all practical skills required for that level of training and certification. Physical and mental performance skills include the ability of the individual to function as an EMS provider under dangerous conditions, including exposure to communicable disease, hazardous chemicals, or other risk of serious injury.
- 515.8 An applicant for certification or renewal of certification as an emergency medical services provider shall undergo a criminal background check, including the fingerprinting of the applicant, in accordance with Federal Bureau of

- Investigation policies and procedures and in a Federal Bureau of Investigation environment.
- 515.9 The criminal background check shall be performed no more than six (6) months prior to the submission of the application.
- 515.10 The Director shall deny an application for certification by an individual convicted of any of the following crimes:
- (a) A felony involving sexual misconduct in which the victim's failure to affirmatively consent is an element of the crime, such as forcible rape;
 - (b) A felony involving the sexual or physical abuse of children, the elderly, or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, or assault on an elderly or infirm person;
 - (c) A crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse of, neglect of, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.
- 515.11 A sponsoring EMS agency shall not employ an applicant as an EMS provider who has been convicted of, has pleaded *nolo contendere* to, is on probation before judgment or placement on a stet docket because of, or has been found not guilty by reason of insanity for any item listed in § 515.10 of this chapter or has been found to have engaged in prohibited conduct as listed in § 563.17.
- 515.12 If the Director denies an application because the Director determined that the applicant presents a present danger to children or youth, the sponsoring EMS agency shall notify the applicant of the determination and inform the applicant in writing that he or she may appeal the denial to the Office of Administrative Hearings within thirty (30) days after the determination.
- 515.13 The emergency medical service provider certificate shall be valid for no greater than two (2) years, expiring on June 30.
- 515.14 The Emergency Medical Responder provider certificate shall be valid for no greater than two (2) years, expiring on December 31.
- 515.15 An emergency medical services provider certificate shall not be assigned or transferred.
- 515.16 An EMS provider in the District of Columbia shall maintain a valid NREMT certification card at the same or greater provider level as his or her DC certification.

515.17 An EMS provider in the District of Columbia shall maintain a valid American Heart Association Health Care Provider or equivalent CPR card during his or her certification period.

515.18 An Advanced Life Support Provider shall maintain a valid American Heart Association Advanced Cardiac Life Support (ACLS) card during his or her certification period.

516 EMS PROVIDERS - EMERGENCY MEDICAL RESPONDER

516.1 Each applicant for certification as an Emergency Medical Responder (EMR) shall submit an application to the Director. The application shall include:

- (a) A copy of a valid NREMT-First Responder (or greater) certification card;
- (b) A copy of a valid American Heart Association (AHA) Health Care Provider (or equivalent) CPR card;
- (c) A completed application signed by the sponsoring EMS agency's medical director; and
- (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

516.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMR certification card.

517 EMS PROVIDERS - EMERGENCY MEDICAL TECHNICIAN

517.1 Each applicant for certification as an Emergency Medical Technician (EMT) shall submit an application to the Director. The application shall include:

- (a) A copy of a valid NREMT-EMT (or greater) certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A completed application signed by the sponsoring EMS agency's medical director; and
- (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

517.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMT certification card.

518 EMS PROVIDERS – ADVANCED EMERGENCY MEDICAL TECHNICIAN

518.1 Each applicant for certification as an Advanced Emergency Medical Technician (AEMT) shall submit an application to the Director to be considered for a District of Columbia AEMT certification. The application shall include:

- (a) A copy of a valid NREMT-AEMT (or greater) certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A completed application signed by the sponsoring EMS agency's medical director; and
- (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

518.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. AEMT certification card.

519 EMS PROVIDERS – EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE

519.1 Each applicant for certification as an Emergency Medical Technician-Intermediate (EMT-I) shall submit an application to the Director. The application shall include:

- (a) A copy of a valid NREMT EMT-I99 (or greater) certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A copy of a valid AHA Advanced Cardiac Life Support (ACLS) card;
- (d) A completed application signed by the sponsoring EMS agency's medical director; and
- (e) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

519.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMT-I certification card.

520 EMS PROVIDERS – PARAMEDIC

- 520.1 Each applicant for certification as a Paramedic shall submit an application to the Director. The application shall include:
- (a) A copy of a valid NREMT Paramedic certification card;
 - (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
 - (c) A copy of a valid AHA ACLS card;
 - (d) A completed application signed by the sponsoring EMS agency's medical director; and
 - (e) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).
- 520.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. Paramedic certification card.

521 EMS PROVIDERS: RECERTIFICATION, REINSTATEMENT, AND OUT OF STATE APPLICATIONS

- 521.1 Each applicant for renewal shall submit the items required for the certification level requested to the Director no later than May 31 of the year in which his or her certification expires.
- 521.2 If an applicant has previously held a District EMS provider certification that has lapsed, he or she may apply for reinstatement of his or her previous District certification by submitting the items required for the certification level requested and indicating his or her former status on the application.
- 521.3 If an applicant is currently certified as an EMS provider in another state, the applicant may apply to the Director to be considered for a District of Columbia certification. The application shall include all required items for the certification level requested plus verification of status from the State where the applicant is currently certified.

522 EMS PROVIDERS: INACTIVE STATUS

- 522.1 Inactive certification may be granted to EMS providers certified as an Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency

Medical Technician, Emergency Medical Technician-Intermediate, and Paramedic who are not actively providing patient care and are:

- (a) Educators, administrators, or regulators who are not actively involved in patient care;
- (b) Students who have completed their initial certification training but are not affiliated with an Emergency Medical Services Agency; or
- (c) Not actively providing patient care because of relocation, illness, pursuit of education, family responsibilities, military duty, or another reason that the Director determines.

522.2 To be eligible for inactive status, a provider shall meet all certification requirements except skills verification.

522.3 A provider may only request inactive status during his or her first recertification cycle if he or she has performed the duties of an EMS provider for at least six (6) months.

522.4 A provider shall reapply for inactive status biennially, prior to the expiration of his or her current inactive certification, if he or she wishes to continue his or her District certification.

522.5 A provider who has an inactive National Registry certification shall only qualify for an inactive District certification.

522.6 A provider who has an active National Registry certification may request an inactive District certification.

522.7 An inactive provider who seeks to return to active status shall submit a complete application package to the Director and shall demonstrate skills competency in accordance with current NREMT policy and affiliation with an EMS agency that shall be verified in writing.

522.8 The fee for an inactive certification shall be the same as for its equivalent active level.

523 EMS PROVIDERS: PROVISIONAL CERTIFICATION

523.1 The Director may issue a provisional certification to an applicant for certification as an EMS provider emergency medical services personnel who does not fully meet the requirements specified in this chapter if the Director finds that the public interest would be served by issuing the provisional certification.

523.2 A provisional certification issued pursuant to this section may be granted for a period of up to one hundred eighty (180) days and may be renewed no more than once.

524 LIMITED RECIPROCITY CERTIFICATIONS

524.1 The Director may grant limited reciprocity certifications of up to ninety (90) days to applicants for certification as Emergency Medical Services Agencies, emergency medical response vehicles, or emergency medical service providers if the applicant is certified in another jurisdiction and the Director determines that a limited reciprocity certification by the District is necessary to respond and protect the public health interest.

524.2 An Emergency Medical Services Agency seeking a limited reciprocity certification shall file a written application for a limited reciprocity Emergency Medical Services Agency certification in a manner specified by the Director. The Emergency Medical Services Agency shall attest that the agency complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.

524.3 A limited reciprocity Emergency Medical Services Agency certification shall be valid for a time period determined by the Director based on the need; provided, the time period shall not be greater than ninety (90) days.

524.4 A limited reciprocity Emergency Medical Services Agency certification shall not be transferable.

524.5 An Emergency Medical Services Agency shall file a written application for a limited reciprocity emergency medical response vehicle certification in a manner that the Director specifies. The emergency medical services agency shall attest that the vehicle complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.

524.6 The Director may inspect any Emergency Medical Services Agency vehicle issued a limited reciprocity certification at any time for compliance with this chapter.

524.7 A limited reciprocity Emergency Medical Services Agency vehicle certification shall be valid for a time period that the Director determines based on the need; provided, the time period shall not be greater than ninety (90) days.

524.8 A limited reciprocity Emergency Medical Services Agency vehicle certification shall not be transferable.

- 524.9 A limited reciprocity Emergency Medical Services Agency vehicle certification shall not be renewable.
- 524.10 A limited reciprocity Emergency Medical Services Agency vehicle certification shall be affixed on the vehicle to be readily visible and in a location and manner that the Director specifies.
- 524.11 An Emergency Medical Services Agency vehicle for which a limited reciprocity certification has been granted shall not be operated without a properly displayed certification.
- 524.12 An Emergency Medical Services Agency shall file a written application for a limited reciprocity emergency medical service provider certification in a manner that the Director specifies. The Emergency Medical Services Agency shall attest that the provider complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.
- 524.13 The Director may inspect the credentials of an EMS provider who has been issued a limited reciprocity certification at any time for compliance with this chapter.
- 524.14 A limited reciprocity EMS provider certification shall be valid for a time period that the Director establishes based on the need; provided, the time period shall not be greater than ninety (90) days.
- 524.15 A limited reciprocity EMS provider certification shall not be transferable.
- 524.16 A limited reciprocity EMS provider certification shall not be renewable.
- 524.17 An EMS provider shall maintain copies of his home-state certification and District limited reciprocity certification at all times while performing patient care in the District.
- 524.18 An EMS provider licensed or certified in another jurisdiction shall not practice without an DOH-issued certification.
- 524.19 In limited circumstances, when it is necessary to respond and protect the public safety or health, the Director may issue limited reciprocity certifications in groups.

525 EMS PROVIDERS: CERTIFICATION CARDS

- 525.1 An EMS provider shall carry his or her current certification card on his or her person any time he or she is working as a care provider.

525.2 Upon request of a DOH inspector, the District EMS Officer or other designated official, an EMS provider shall present his or her certification card for inspection.

525.3 Failure of an EMS provider to present valid credentials shall result in the immediate suspension of the provider's District certification.

526 EMS PROVIDERS: SCOPE OF PRACTICE

526.1 The Director shall develop a scope of practice policy in accordance with the Department of Transportation and the National Highway Traffic Safety Administration's current national standard guidelines.

526.2 The medical directors of each EMS agency shall develop a scope of practice that meets or exceeds the Director's scope of practice model.

526.3 An EMS provider shall adhere to the scope of practice approved and in effect for his or her respective EMS agency.

526.4 EMS personnel shall only provide emergency medical care while acting under the authority of the medical director for the EMS agency for which he or she is affiliated and within the scope of the EMS agency certification.

526.5 The Director may authorize providers to exceed the current scope of practice.

(a) The EMS Agency's medical director shall submit a request to expand the scope of practice for the EMS agency to the District's EMS Officer.

(b) The State EMS Officer shall review the request and make a recommendation to the Director to approve or deny the request.

527 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION STANDARDS

527.1 No person shall provide EMS certification education, continuing education, or refresher education in the District without being certified as an EMS educational institution pursuant to this chapter.

527.2 Each EMS educational institution shall obtain approval from the Director prior to offering a course of study.

527.3 In order to be state approved for purposes of the NREMT, an educational institution shall obtain approval under this chapter.

- 527.4 Paramedic educational institutions shall be accredited through the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) after January 1, 2013.
- 527.5 In order to receive certification as an EMS educational institution, an applicant shall submit to the Director an application indicating compliance with §§ 527 through 531.
- 527.6 Each education program shall have adequate space at facilities to accommodate the program.
- 527.7 Each education program shall have sufficient financial resources to ensure complete course delivery for all enrolled students.
- 527.8 An EMS educational institution that is not part of the District of Columbia government or a component of an accredited institution of higher learning shall be licensed through the District of Columbia Education Licensure Commission (ELC) in addition to being certified by the Director.
- 527.9 After review of the application, the EMS educational institution shall be subject to a site visit as part of the certification process. The site visit is to verify the information contained in the application.
- 527.10 Each EMS educational institution, its equipment, all associated records, and the premises designated in its application shall be available for inspection by the District EMS Officer or designee during the usual hours of operation.
- 527.11 The Director may subject any EMS educational institution certified under this chapter to an unscheduled inspection to determine compliance with certification standards.
- 527.12 Each education program shall have written criteria for:
- (a) Admission;
 - (b) Multiple evaluations of each student during the course of study including evaluation of competency in providing patient care;
 - (c) Student requirements for:
 - (1) Attendance; and
 - (2) Educational performance, including:
 - (A) Attitudes;

- (B) Knowledge; and
- (C) Behavior;
- (d) Student access to program information including:
 - (1) Fees;
 - (2) Requirements;
 - (3) Policies and procedures;
 - (4) The student handbook; and
 - (5) Support services;
- (e) Selection of:
 - (1) A medical director;
 - (2) A program director;
 - (3) Faculty; and
 - (4) Other necessary personnel;
- (f) Nondiscrimination and fair practices with regard to students, faculty, and program personnel;
- (g) Review and improvement of the effectiveness of student evaluation techniques; and
- (h) HIPAA privacy training.

527.13 Each education program shall require that each student wear some type of distinctive identification during his or her field and clinical internship. The identification shall clearly identify the:

- (a) Student's name;
- (b) Student's status; and
- (c) Education program.

- 527.14 Each education program shall maintain an organizational chart that shows the relationships among students, the program director, the medical director, and the instructors for each course.
- 527.15 Each education program shall maintain accurate and appropriate records of:
- (a) Students;
 - (b) Faculty;
 - (c) Courses, including:
 - (1) Course statistics as specified in DOH policy; and
 - (2) Demographics of students; and
 - (d) Written agreements with facilities and agencies that provide clinical and field experience, which shall include:
 - (1) Liability policies;
 - (2) Scope of practice for the student;
 - (3) Evaluation criteria; and
 - (4) The responsibility for and level of supervision of students.
- 527.16 The education program shall maintain records at least five (5) years following course completion in a manner to prevent loss, destruction, or unauthorized use.
- 527.17 Each education program shall teach the appropriate curriculum which shall include:
- (a) Didactic instruction which shall impart fundamental knowledge, skills, and attitudes which contribute to the delivery of state-of-the-art pre-hospital emergency medical care; and
 - (b) Supervised field internships that include practice of skills while functioning in a pre-hospital environment.
- 527.18 Training programs may utilize distance education for cognitive components of initial training leading to EMS provider certification if the program:
- (a) Demonstrates the methods of distance education utilized are educationally and technically appropriate for the content and audience; and

- (b) Ensures the quality of the distance education method, including:
 - (1) Stating the educational objectives clearly; and
 - (2) Offer sufficiently comprehensive, accurate, up-to-date, educationally sound instructional materials.

527.19 Each EMS educational institution shall maintain written agreements and position descriptions stating the roles and responsibilities of the following program positions:

- (a) Medical director;
- (b) Program director; and
- (c) EMS instructors.

528 EDUCATIONAL INSTITUTIONS: MEDICAL DIRECTOR

528.1 Each EMS educational institution offering certification courses shall have a medical director who:

- (a) Is a physician licensed to practice medicine in the District of Columbia;
- (b) Has current working knowledge and experience in emergency medical care of acutely ill or injured patients;
- (c) Has working knowledge of the District EMS system; and
- (d) Has knowledge of the District of Columbia scope of practice for Emergency Medical Services Providers and the National Educational Standards.

528.2 If the educational institution is a part of an Emergency Medical Services Agency, the same person may serve as the medical director of both.

528.3 The medical director shall be responsible for the oversight of the medical educational content of the curriculum.

529 EDUCATIONAL INSTITUTIONS: PROGRAM DIRECTOR

529.1 Each EMS educational institution shall have a program director who:

- (a) Has at least two (2) years of experience instructing and evaluating EMS students;
- (b) Has experience with administration of educational programs;
- (c) Has an instructor certification equivalent to the course level being instructed; and
- (d) Has knowledge of the District scope of practice for Emergency Medical Services Providers and the National Educational Standards.

529.2 The program director shall:

- (a) Have overall responsibility for the success of the education program, including continuous quality review and improvement of the education program;
- (b) Serve as the education program student and faculty liaison;
- (c) Identify sites where students can fulfill field internship requirements; and
- (d) Keep the medical director informed of the program schedule, progress of individual student performance, student or instructor complaints, and the status of other program activities.

529.3 The medical director may also act as the program director.

530 EDUCATIONAL INSTITUTIONS: PROGRAM INTERNSHIPS

530.1 Each EMS education program, with the exception of Emergency Medical Responder education programs, provided by an EMS educational institution shall provide students with access to field internships with appropriate medical oversight and supervision within any District-approved Emergency Medical Services Agency. Each internship shall include:

- (a) Patient assessments;
- (b) EMS orientation;
- (c) Additional components as required by the National Education Standards; and
- (d) Additional components as may be required by DOH.

530.2 If the field internship is located outside the District of Columbia, the educational institution offering the education program of which the internship is a part shall:

- (a) Comply with the laws of the state where the field internships are located; and
- (b) Notify the appropriate EMS officials in the state where the field internships are located of the presence of program students in those internships.

531 EDUCATIONAL INSTITUTIONS: EVALUATIONS

531.1 Each educational institution shall have a written policy and procedure for evaluation of each of its education programs.

531.2 Each program shall conduct a self-evaluation at least annually and shall provide written evidence that the program is meeting its objectives and the changing needs of EMS care to DOH as part of the institution's annual report.

531.3 An evaluation plan shall include methods for gathering and analyzing data on the effectiveness of the following:

- (a) Instruction;
- (b) Resources;
- (c) Responsiveness to recommendations for change;
- (d) Instructors; and
- (e) Students' ability to function as entry-level providers upon successful completion of the program.

531.4 The results of the evaluations shall provide the basis for continuous quality improvement and future direction of the educational courses.

532 EDUCATIONAL INSTITUTIONS: ANNUAL REPORTS

532.1 Each education program shall submit an annual report to the Director, due no earlier than January 1 and not later than March 1 of each year, in an approved format which shall:

- (a) Update program information;

- (b) Identify any major changes in the program during the year; and
- (c) Include the annual self evaluation described in § 531 of this chapter.

533 EDUCATIONAL INSTITUTIONS: CERTIFICATION RENEWAL

533.1 An educational institution shall apply for renewal of its certification at least six (6) months before the expiration of its current certification.

533.2 If the Director determines that the applicant meets the requirements of this chapter, the Director shall grant the applicant a two (2) year approval as an EMS educational institution.

533.3 In order to maintain its certification, an education institution shall:

- (a) Comply with the regulations set forth in this chapter;
- (b) Advise the Director in writing no later than thirty (30) days after any changes in:
 - (1) Program personnel other than instructional faculty;
 - (2) Changes to the educational institution's organization; or
 - (3) Changes to the educational programs offered by the institution; and
- (c) Conduct at least one (1) full length certification course every two (2) years.

533.4 An EMS educational institution that is required to be licensed through ELC shall maintain its license in order to maintain its certification as an EMS educational institution.

534 EDUCATIONAL INSTITUTIONS: PROVISIONAL CERTIFICATIONS

534.1 The Director may grant an educational institution a provisional certification for one (1) year if, after review of the application and site visit, he or she has determined that:

- (a) Standards for certification are not fully met;
- (b) Non-compliance is not substantial or will not negatively impact quality of educational offerings;
- (c) All requirements for full approval can be resolved within one (1) year; and

(d) Provisional certification is in the public interest.

534.2 The Director may impose conditions on certifications and restrictions on program or course offerings.

534.3 An EMS educational institution that receives a one (1) year provisional status by ELC shall be placed in a one (1) year provisional status by the Director.

534.4 An EMS educational institution that has been granted a one (1) year provisional certification shall submit written progress reports to the Director semiannually, at dates set by the Director, covering the six (6) months prior to the month in which each report is submitted.

534.5 Upon satisfactory resolution of limitations, or at the end of the one (1) year provisional period, the Director shall:

(a) Confer approval for the remainder of the two (2) year period; or

(b) Revoke or deny approval.

535 EDUCATIONAL INSTITUTIONS: REVOCATION OF CERTIFICATION

535.1 The Director may revoke program approval if an educational institution is not in compliance with the provisions of this chapter. Notification of revocation shall:

(a) State the reasons for revocation; and

(b) Advise the education institution of its appeal rights.

536 EDUCATIONAL INSTITUTIONS: DENIAL OF CERTIFICATION

536.1 The Director may deny program approval if an educational institution is not in compliance with the provisions of this chapter. Notification of denial shall:

(a) State the reasons for denial; and

(b) Advise the education institution of its appeal rights.

537 EMERGENCY MEDICAL SERVICE INSTRUCTOR STANDARDS

- 537.1 Each educational institution shall maintain the following records for every instructor:
- (a) Copies of documents verifying the instructor's past educational experience, including:
 - (1) Education;
 - (2) Publications; and
 - (3) Previous instruction experience and credentials;
 - (b) A copy of the instructor's certification in a related discipline;
 - (c) A copy of the current District Instructor certification;
 - (d) Documentation used by the agency to assess and authorize the Continuing Education instructors to teach each category (if applicable); and
 - (e) Copies of the instructor's evaluations.
- 537.2 An instructor shall be evaluated in the classroom environment during his or her didactic evaluations.
- 537.3 An instructor may be evaluated in the classroom or field environment during his or her practical teaching evaluations.
- 537.4 The Director may conduct an audit or evaluation of an instructor's records at any time, with or without prior notice.
- 537.5 An instructor certification shall be concurrent with the sponsoring EMS educational institution's or the Emergency Medical Services Agency's certification period.

538 EMERGENCY MEDICAL RESPONDER INSTRUCTOR STANDARDS

- 538.1 Emergency Medical Responder (EMR) courses shall be taught by:
- (a) District-certified EMR instructors;
 - (b) EMR instructor trainees under the supervision of a District-certified EMR instructor; or
 - (c) EMT or Advanced Emergency Medical Services instructors.

- 538.2 In order to be certified as an EMR instructor, an individual shall:
- (a) Hold and maintain a valid District EMR or greater provider certificate or license, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (b) Hold and maintain a valid instructor certification in a related discipline, such as CPR;
 - (c) Successfully complete a competency-based evaluation based on current District policy; and
 - (d) Submit to the Director a completed EMR instructor application signed by the medical director of the EMS educational institution at which the applicant will teach, verifying competency evaluations and practice teaching dates.
- 538.3 Certification as an EMR instructor shall be concurrent with the sponsoring EMS educational institution's certification period.
- 538.4 In order to remain in good standing during his or her certification period, an EMR instructor shall:
- (a) Maintain a current District EMS provider certification or license at the EMR level or greater, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy;
 - (c) Attend EMR instructor workshops as required; and
 - (d) Submit to the Director a completed EMR instructor application signed by the medical director verifying competency evaluations and teaching dates.
- 538.5 An EMR instructor may also function as the EMR program director if approved by the educational institution's medical director.
- 538.6 An EMR instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.
- 538.7 An EMR instructor reinstatement applicant shall:

- (a) Hold a District EMR or greater provider certificate, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Successfully complete a competency-based evaluation based on current District policy; and
- (c) Submit to the Director a completed EMR instructor application signed by the medical director verifying successful evaluations from practice teaching.

538.8 An EMR instructor whose certification has lapsed for more than two (2) years shall be required to meet initial EMR instructor requirements.

539 EMERGENCY MEDICAL TECHNICIAN INSTRUCTOR STANDARDS

539.1 Emergency Medical Technician (EMT) courses shall be taught by:

- (a) District-certified EMT instructors;
- (b) EMT instructor trainees under the supervision of a District-certified EMT instructor; or
- (c) District-certified Advanced Emergency Medical Services (AEMS) instructors.

539.2 An EMT instructor who is not an AEMS instructor shall:

- (a) Maintain a valid District EMT or greater provider certification or license, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Maintain a valid instructor certification in a related discipline, such as CPR;
- (c) Successfully complete a competency-based evaluation based on current District policy; and
- (d) Submit a completed EMT instructor application signed by the medical director verifying successful evaluations and practice teaching dates to the Director.

- 539.3 EMT instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 539.4 In order to remain in good standing during the two (2) year certification period, an EMT Instructor shall:
- (a) Successfully complete a competency-based evaluation based on current District policy;
 - (b) Maintain a current District EMS provider certification or license at the EMT level or greater, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (c) Attend EMT instructor workshops as required; and
 - (d) Submit to the Director a completed EMT instructor application signed by the medical director verifying competency evaluations and teaching dates.
- 539.5 If the educational institution's medical director approves, the EMT may also function as the EMT Program director.
- 539.6 An EMT instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.
- 539.7 An EMT instructor reinstatement candidate shall:
- (a) Maintain a valid District EMT or greater provider certification or license, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy; and
 - (c) Submit a completed EMT instructor application signed by the medical director verifying successful evaluations and teaching dates to the Director at the end of the interim teaching period.
- 539.8 EMT instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 539.9 An EMT instructor whose certification has lapsed for more than two (2) years shall be required to meet initial EMT instructor requirements.

540 ADVANCED EMERGENCY MEDICAL SERVICES INSTRUCTOR STANDARDS

540.1 Advanced Emergency Medical Technician (AEMT) courses, Emergency Medical Technician-Intermediate (EMT-I) courses, and Paramedic courses shall be taught by:

- (a) District-certified Advanced Emergency Medical Services (AEMS) instructors; or
- (b) AEMS instructor trainees under the supervision of a District-certified AEMS instructor.

540.2 A candidate for AEMS instructor shall:

- (a) Maintain a valid District Paramedic or greater certification or license, to include but not limited to Nurse or Physician;
- (b) Maintain a valid instructor certification in a related ALS discipline, such as Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS);
- (c) Successfully complete a competency-based evaluation based on current District policy; and
- (d) Submit to the Director at the end of the interim teaching a completed AEMS instructor application signed by the medical director verifying successful evaluations and practice teaching dates.

540.3 Certification as an AEMS instructor shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.

540.4 In order to remain in good standing during the two (2) year period of approval an AEMS Instructor shall:

- (a) Maintain current District EMS provider certification or license at the Paramedic level or greater, to include but not limited to Nurse or Physician;
- (b) Successfully complete a competency-based evaluation based on current District policy;
- (c) Attend AEMS instructor workshops as required; and

- (d) Submit to the Director a completed AEMS instructor application signed by the medical director verifying successful evaluations and teaching dates.
- 540.5 If the educational institution's medical director approves, the AEMS instructor may also function as the AEMS program director.
- 540.6 An AEMS instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.
- 540.7 An applicant for reinstatement as an AEMS instructor shall:
- (a) Be certified or licensed as a District Paramedic or greater provider, to include but not limited to Nurse or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy; and
 - (c) Submit a completed AEMS instructor application showing successful evaluations from practice teaching.
- 540.8 An AEMS instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 540.9 An AEMS instructor whose certification has lapsed for more than two (2) years shall be required to meet initial AEMS instructor requirements.

541 CONTINUING EDUCATION INSTRUCTOR STANDARDS

- 541.1 Continuing Education (CE) courses shall be taught by:
- (a) District-certified EMR, EMT, or AEMS instructors consistent with the level of education being taught;
 - (b) District-certified CE instructors;
 - (c) CE instructor trainees under the supervision of a District-certified EMS instructor; or
 - (d) CE instructor trainees under the supervision of an Emergency Medical Services Agency's training director.
- 541.2 A CE instructor who is not an EMS instructor shall:
- (a) Currently hold and maintain a District provider certification or license at or above the level of continuing education being taught, to include but not

limited to Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician; and

- (b) Currently hold and maintain an instructor certification in a related discipline, such as CPR.

541.3 The EMS educational institution or the Emergency Medical Services Agency's training director may authorize a CE Instructor to instruct in the following NREMT categories:

- (a) Basic Life Support, which shall include the following NREMT topics:
 - (1) Preparatory;
 - (2) Airway and Breathing;
 - (3) Patient Assessment;
 - (4) Medical/Behavioral;
 - (5) Trauma;
 - (6) Infants and Children; and
 - (7) Obstetrics; or
- (b) Advanced Life Support, which shall include the following NREMT topics:
 - (1) Operational Tasks;
 - (2) Airway and Breathing;
 - (3) Cardiology;
 - (4) Medical Emergencies;
 - (5) Trauma;
 - (6) Pediatrics; and
 - (7) Obstetrics.

541.4 The medical director of the agency shall establish a CE Instructor approval process. The process shall be documented and the documentation shall be subject to inspection and verification by officials from the District EMS Officer or designee at any time.

542 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION CURRICULUM STANDARDS

- 542.1 The Director shall approve all EMS course curricula that are intended to be used for certification, continuing education, and refresher courses that are taught in the District of Columbia.
- 542.2 Courses that are taught in the District of Columbia prior to the curriculum being approved will not be approved retroactively.
- 542.3 Curricula shall conform to, and instruct according to, current national standards and guidelines, including current NREMT standards.
- 542.4 In order to receive District approval of an EMS curriculum and to be eligible to use that curriculum in a certification, continuing education or refresher course, an EMS educational institution or Emergency Medical Services Agency shall file an application with the Director. The application shall include the following information:
- (a) Program director;
 - (b) Curriculum author;
 - (c) Curriculum title; and
 - (d) Topic area (ALS or BLS).
- 542.5 A curriculum application shall be filed at least forty-five (45) days before the educational institution or Emergency Medical Services Agency intends to use the curriculum in a course.
- 542.6 All curricula submitted to the Director shall be assigned a curriculum tracking number. A tracking number shall be assigned regardless of whether the curriculum is approved or denied. The tracking number shall be used in all correspondence related to the curriculum.
- 542.7 To maintain approval by the Director a course curriculum shall be updated to remain current with nationally accepted standards. Any updates to the curriculum shall be submitted to the Director as a new curriculum as outlined in this section.
- 542.8 Curricula that are currently approved by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS) do not need to be submitted for District approval.

542.9 The educational institution or Emergency Medical Services Agency shall submit a curriculum application along with a copy of the CECBEMS curriculum approval documentation to obtain a DOH curriculum number. The DOH curriculum number shall be used on the course application when used in a District course.

543 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION COURSE STANDARDS

543.1 No person shall offer an EMS certification, refresher, or continuing education course in the District unless:

- (a) The person is certified by the District as an EMS educational institution; or
- (b) The person is certified by the District as an Emergency Medical Services Agency authorized to instruct continuing education; and
- (c) The course has been approved by the Director.

543.2 A District-certified EMS educational institution certified at the ALS educational level may offer both ALS and BLS courses.

543.3 A District-certified EMS educational institution may sponsor an agency or individual that wishes to provide a single course, class, or activity.

543.4 When two (2) or more educational institutions co-sponsor a course, only one (1) approved educational institution provider number shall be used for that course. The educational institution whose number is used shall assume the responsibility for meeting all applicable requirements of this section.

543.5 The sponsoring educational institution shall ensure that the course, class, or activity meets all requirements and shall serve as the educational institution provider of record.

543.6 In order to receive District approval of an EMS course and be eligible for NREMT testing (if applicable), an EMS educational institution or Emergency Medical Services Agency shall file an application with the Director. The application shall include the following information:

- (a) Program director;
- (b) Course title;
- (c) Course type;

- (d) Certification level;
- (e) Course start and end dates;
- (f) A listing of District-approved course curriculum or curricula to be used; and
- (g) A listing of instructor(s) to be used.

543.7 A course application shall be filed at least thirty (30) days before the educational institution intends to start teaching the course.

543.8 All course applications submitted to the Director shall be assigned a course tracking number. The tracking number:

- (a) Shall be used in all correspondence related to the certification course;
- (b) Shall appear on the students' records and course completion certificates; and
- (c) Shall be assigned regardless if the certification course is approved or denied.

543.9 The District may revoke or deny credit for any certification, refresher, or CE course when the course or curriculum does not meet the requirements set forth in this chapter.

543.10 An EMS educational course taught in the District that the Director has not approved shall be reported to:

- (a) NREMT to revoke credit for the course;
- (b) CECBEMS if the course utilized a CECBEMS course or curriculum; and
- (c) The state EMS offices of any non-District provider who was in attendance.

544 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION CERTIFICATION COURSE STANDARDS

544.1 A District certified EMS educational institution that desires to offer an EMS certification course in the District shall:

- (a) Meet the current national standards and NREMT standards for the certification level being taught;

- (b) Submit an application signed by the institution's medical director requesting approval of each certification course as outlined in § 543; and
- (c) Submit a separate application for each course provided.

544.2 Certification courses shall utilize the appropriate NREMT practical skill certification exam. The practical skill exams shall be:

- (a) Administered by the NREMT when required under NREMT certification standards; or
- (b) Administered in accordance with current District policy, when administration of the exam by the NREMT is not required under NREMT certification standards.

545 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION REFRESHER COURSE STANDARDS

545.1 The Director shall approve all EMS refresher courses that are intended for renewal of NREMT certification and are taught in the District of Columbia prior to the course being taught.

545.2 A refresher course taught in the District of Columbia shall meet the NREMT standards in effect at the time of the application in order to be eligible for NREMT certification renewal.

545.3 An educational institution that desires to receive District of Columbia approval in addition to CECBEMS approval may apply for approval pursuant to this section.

545.4 The educational institution shall submit an application signed by the institution's medical director requesting approval as outlined in § 543.

545.5 The educational institution shall submit a separate application for each refresher course.

546 EMERGENCY MEDICAL SERVICE CONTINUING EDUCATION COURSE STANDARDS

546.1 The Director shall approve all continuing education (CE) courses that are intended for renewal of NREMT certification prior to the course being offered. CE courses that are taught in the District of Columbia prior to the course being approved will not be approved retroactively.

- 546.2 A CE course taught in the District of Columbia shall be in a topic contained in the respective NREMT Re-registration Policies and Procedures.
- 546.3 The Director shall determine the total number of CE credit hours for an approved CE course taught in the District of Columbia. CE credit hours shall be:
- (a) Based on District of Columbia-approved curricula; and
 - (b) CECBEMS-approved curricula.
- 546.4 Classes or activities taught in the District of Columbia for which CE credit is authorized shall be at least one (1) CE credit hour in duration. For CE courses greater than one (1) CE credit hour, credit may be granted in no less than half (1/2)-hour increments.
- 546.5 A person may offer a continuing education course if the course has a current approval from the CECBEMS. The educational institution or Emergency Medical Services Agency shall submit a course application along with a copy of the CECBEMS approval documentation so that a course number can be assigned.
- 546.6 Courses and activities that shall not be applied towards the continuing education hours requirement include:
- (a) Clinical rotations;
 - (b) Cardiopulmonary resuscitation;
 - (c) Home study programs;
 - (d) Instructor courses;
 - (e) Management and leadership courses;
 - (f) Performance of duty;
 - (g) Preceptor hours;
 - (h) Serving as a skill examiner; and
 - (i) Volunteer time with agencies.
- 546.7 The educational institution or Emergency Medical Services Agency shall submit a separate application for each CE course.

547 CERTIFICATE OF COURSE COMPLETION

- 547.1 An educational program shall issue to each successful participant a certificate or proof of successful completion of a course no later than thirty (30) calendar days after completion of the course.
- 547.2 A certification course completion certificate or documentation of successful completion shall contain:
- (a) The name of the participant;
 - (b) The course title and DOH-assigned course number;
 - (c) The length of the course in total hours;
 - (d) The name of the sponsoring educational institution and its DOH EMS educational institution number;
 - (e) The course completion date;
 - (f) The program director's signature; and
 - (g) The medical director's signature.
- 547.3 A refresher or CE course completion certificate or documentation of successful completion shall contain:
- (a) The name of participant and his or her NREMT, State, or District EMS certification number;
 - (b) The course title and DOH-assigned course number;
 - (c) The total number of hours of continuing education awarded;
 - (d) The educational institution or Emergency Medical Services Agency name, address, and DOH EMS educational institution number or Emergency Medical Services Agency number;
 - (e) The date(s) of the course, class, or activity;
 - (f) The program director's signature; and
 - (g) The medical director's signature.
- 547.4 If a refresher or CE course is used to satisfy the requirements for maintaining an EMS provider's certification, the refresher and CE course shall be completed during the current certification cycle, and the provider shall submit the CE

certificate to NREMT in accordance with its policies in effect at the time of submission.

547.5 No person shall receive credit for taking the same refresher or CE course, class, or activity more than once during a single certification or licensure cycle.

547.6 An instructor may receive credit for instructing a certification, refresher, or CE course. Credit received shall be the same as the number of CE hours approved for the course, class, or activity.

547.7 The instructor shall receive credit only once during a certification cycle for instructing the same CE course, class, or activity.

548 COURSE RECORDS

548.1 An education program shall maintain course records for at least five (5) years following course completion. The records shall be maintained in a manner to prevent loss, destruction, or unauthorized use and shall contain the following:

- (a) A complete outline for each course given, including a brief overview, instructional objectives, comprehensive topical outline, method of evaluation, and a record of participant performance;
- (b) A record of the time, place, and date that each course is given;
- (c) A record of the number of CE hours awarded for the CE course;
- (d) A curriculum vitae or resume for each instructor; and
- (e) A roster signed by course participants that shall include the name and certificate number of each person who has taken any certification, refresher or CE course, class, or activity, and a record of any course completion certificate issued.

549 TRANSPORTATION OF PATIENTS

549.1 Each District-certified emergency medical response vehicle that transports patients shall meet the following minimum staffing requirement:

- (a) A Basic Life Support Ambulance shall have two (2) District-certified Emergency Medical Technicians;

- (b) An Advanced Life Support Ambulance shall have one (1) District-certified Paramedic and one (1) District-certified Emergency Medical Technician; and
- (c) Each air medical response craft shall have one (1) District-certified Emergency Medical Technician – Intermediate or Paramedic and one (1) licensed pilot.

550 EMERGENCY 9-1-1 TRANSPORTATION OF PATIENTS IN THE DISTRICT OF COLUMBIA

550.1 An emergency patient who is transported by ambulance, where the point of origin is within the District, shall only be transported by a District-certified Emergency Medical Services Agency ambulance except when the transporting agency:

- (a) Has been requested by the District's 9-1-1 ambulance service;
- (b) Is certified in another state but has a memorandum of understanding, memorandum of agreement, or mutual aid agreement with the District of Columbia Fire and Emergency; or
- (c) Has been requested through a mutual aid agreement or memorandum of understanding by the Department of Health.

550.2 A transporting agency that is not District-certified shall adhere to the protocols of the District's 9-1-1 ambulance service unless otherwise specified through a DOH-approved agreement.

550.3 A patient shall be transported to the appropriate health care facility as outlined in the District's 9-1-1 ambulance service's protocol.

550.4 Transportation of a patient by an ambulance or provider that is not certified in the District shall be reported to the state agency with jurisdiction over EMS services. The Emergency Medical Services Agency operating the ambulance may also face civil or criminal penalties from the District of Columbia.

551 INTER-FACILITY TRANSPORTATION OF PATIENTS WHERE THE POINT OF ORIGIN IS IN THE DISTRICT OF COLUMBIA

551.1 A patient who is transported by ambulance between facilities, where the point of origin is within the District of Columbia, shall only be transported by a certified District of Columbia Emergency Medical Services Agency ambulance except when the transporting agency has been requested through a mutual aid agreement or memorandum of understanding by the Department of Health.

551.2 A transporting agency that is not District-certified shall adhere to the protocols of its local jurisdiction unless otherwise specified through a mutual aid agreement or memorandum of understanding.

551.3 Patients shall be transported to the appropriate health care facility as outlined in the agency's protocol.

552 INTER-FACILITY TRANSPORTATION OF PATIENTS INTO THE DISTRICT OF COLUMBIA WHERE THE POINT OF ORIGIN IS OUTSIDE OF THE DISTRICT OF COLUMBIA

552.1 A patient who is transported by ambulance into the District of Columbia shall only be transported by an EMS ambulance and crew that is certified by the state agency with jurisdiction at the point of origin.

552.2 The same transporting ambulance agency may perform the return transport of the same patient to the point of origin; provided, that the return transport shall be performed by a crew and ambulance that is appropriate for the condition of the patient.

552.3 If the requirements of § 552.2 cannot be met, the transport shall be considered a new transport, with its point of origin in the District of Columbia.

552.4 Transportation of a patient by an EMS ambulance or crew that is not certified in the jurisdiction of origin shall be reported to the state agency with jurisdiction over EMS services at the point of origin.

552.5 Long-term and assisted living facilities shall utilize private, commercial, non-emergency ambulance services for inter-facility transports instead of the District 9-1-1 emergency ambulance service whenever possible and consistent with the health and safety of the patient.

553 EMERGENCY MEDICAL DISPATCH

553.1 The Director may develop the District of Columbia Pre-Hospital Emergency Medical Dispatch Protocol Guidelines for Emergency Medical Dispatch Providers (Pre-Hospital EMD Guidelines).

553.2 The Director may appoint an Emergency Medical Dispatch (EMD) review committee to assist in the development, review, and recommendations of the Pre-Hospital EMD Guidelines.

553.3 The EMS Officer shall review and the Director shall approve the EMD protocols of each Emergency Medical Services Agency prior to their implementation.

553.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

554 PRE-HOSPITAL MEDICAL PROTOCOLS

554.1 The Director may develop the District of Columbia Pre-Hospital Medical Protocol Guidelines for Emergency Medical Services Providers.

554.2 The Director may appoint a protocol review committee to assist in the development, review, and recommendations of the Pre-Hospital Medical Protocol Guidelines.

554.3 The EMS Officer shall review and the Director shall approve the pre-hospital protocols of each Emergency Medical Services Agency prior to their implementation.

554.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

555 MEDICAL CONTROL BASE STATIONS

555.1 The Director may develop the District of Columbia Pre-Hospital Medical Control Base Station Operational Guidelines for Medical Control Base Station Providers (Pre-Hospital Medical Control Guidelines).

555.2 The Director may appoint a medical control review committee to assist in the development, review, and recommendations of the Pre-Hospital Medical Control Guidelines.

555.3 The EMS Officer shall review and the Director shall approve the operational protocols of each Medical Control Base Station prior to its implementation.

555.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

556 CLINICAL QUALITY ASSURANCE AND IMPROVEMENT

556.1 Each Emergency Medical Services Agency shall designate a quality improvement officer who is certified or licensed at or above the certification level of the Emergency Medical Services Agency.

556.2 The medical director may act in the role of the quality improvement officer.

556.3 Each Emergency Medical Services Agency shall compile and submit a written quality improvement plan, which the agency's medical director shall approve. The quality improvement plan shall:

- (a) Require the review of data concerning patient care rendered by EMS providers affiliated with the Emergency Medical Services Agency operational program;
- (b) Require the identification and analysis of trends in EMS care rendered by EMS providers affiliated with the Emergency Medical Services Agency's operational program;
- (c) Specify the method and manner to annually report to the Director on quality assurance issues;
- (d) Require the provision of remedial action to resolve any patient care issues involving EMS providers or the EMS system which should be addressed at the organizational level;
- (e) Identify violations of the District of Columbia Emergency Medical Services Protocols or Director approved organizational EMS protocols; and
- (f) Require a review of oral or written allegations that:
 - (1) An EMS provider failed to act in accordance with applicable law or protocols; or
 - (2) Pre-hospital patient care was below the applicable standard of care.

557 CLINICAL QUALITY ASSURANCE AND IMPROVEMENT REPORTS

557.1 Each Emergency Medical Services Agency shall file an annual report, due no earlier than January 1 and not later than March 1 of each year, which shall state the number EMS incidents to which the Emergency Medical Services Agency responded to in the prior calendar year and the number of ambulance collisions for the same time period.

- 557.2 Each of the following incidents shall be reported to the District EMS Officer no later than seventy-two (72) hours after discovery:
- (a) Unexpected loss of physical or mental function of the patient;
 - (b) Administration of incorrect medication to the patient, regardless of the outcome;
 - (c) Administration of an incorrect dose of medication to the patient, regardless of the outcome;
 - (d) Termination of resuscitation in the field;
 - (e) Pediatric cardiac arrest;
 - (f) Invocation of a District EMS Comfort Care Order/Do Not Resuscitate Order;
 - (g) Denial or refusal of transport to or by any patient with a Glasgow Coma Score of fourteen (14) or less at the time of denial or refusal;
 - (h) An ambulance involved in motor vehicle collision while in service;
 - (i) Positive results on an EMS provider drug test; and
 - (j) Any incident that the Director has determined to threaten public safety.

558 EMERGENCY MEDICAL SERVICES AGENCY DATA COLLECTION STANDARDS

- 558.1 Emergency Medical Services Agency incident and patient care data collected by means of computer systems within the District of Columbia shall conform to the National EMS Information System requirements (NEMSIS) as established by the National Highway Traffic Safety Administration.

559 TRAUMA AND SPECIALTY CENTERS

- 559.1 The Director shall designate Trauma Centers in the District of Columbia.
- 559.2 Criteria for the designation of Level I and Level II Trauma Centers shall be consistent with the guidelines of the American College of Surgeons Committee on Trauma and as outlined in Chapters 27, "Adult Trauma Care," and 28, "Pediatric Trauma Care," of Subtitle B of Title 22 of the DCMR.

- 559.3 Designation as a District Trauma Center shall be for five (5) years or less.
- 559.4 The Director shall designate Specialty Centers in the District of Columbia.
- 559.5 Designation as a District Specialty Center shall be for five (5) years or less.

560 MASS CASUALTY INCIDENTS

- 560.1 Each Emergency Medical Services Agency is required to develop a plan to mitigate a Mass Casualty Incident (MCI).
- 560.2 Each MCI plan shall comply with the National Incident Management System requirements and the District MCI plan.
- 560.3 Each MCI plan shall be submitted to the Director for his or her approval.
- 560.4 Each Emergency Medical Services Agency shall use the triage system approved by the Director.

561 SPECIAL EVENT MEDICAL AID STATIONS

- 561.1 An Emergency Medical Services Agency that provides services at a special event medical aid station shall be certified by the Director to provide Special Event EMS services
- 561.2 The Agency shall utilize a Patient Care Report (PCR), on a form and in a manner prescribed by the Director, in accordance with Section 509, to collect emergency medical services data.
- 561.3 A PCR shall be completed, with all patient contacts, for each patient to whom care is provided. A PCR shall also be completed for each patient who refuses treatment or transportation.
- 561.4 A PCR shall be maintained in a secure area within the Medical Aid Station in accordance with HIPAA and federal and local privacy laws, regulations, and policies.
- 561.5 A PCR shall be maintained for six (6) years and shall be stored in accordance with District laws and regulations.
- 561.6 Medical Aid Stations shall conform to the personnel and equipment standards outlined in DOH policy.

562 SPECIAL STUDIES AND PILOT PROJECTS

- 562.1 The Department may allow Emergency Medical Services Agencies to undertake studies of the EMS system or pilot projects in the interest of improving patient care services.
- 562.2 All requests to undertake a special study or pilot project shall be submitted to the Director for his or her approval. The request shall include the following information:
- (a) A description of the purpose of the study or project, clearly describing the expected benefits to District residents;
 - (b) An operational plan that maximizes patient safety while minimizing potential risk to the patient; and
 - (c) A quality assurance and improvement plan that clearly describes how the data will be collected and used, as well as the indicators for immediate termination of the project or study.
- 562.3 The Director shall approve all special studies and pilot projects prior to beginning the project.

563 ENFORCEMENT OF VIOLATIONS

- 563.1 Any person who violates or participates in the violation of a provision of this chapter shall be subject to civil and criminal penalties in accordance with the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code §§ 7-2341.01, *et seq.* (2012 Supp.)) (Act).
- 563.2 The DOH may audit, inspect, or investigate an EMS provider or agency, at any time, with or without prior notification, to confirm compliance with the regulations contained in this chapter or any other relevant District regulation or law.
- 563.3 A complaint against an EMS provider or agency shall:
- (a) Be submitted in writing on a form specified by the District EMS Officer;
 - (b) State the facts or circumstances that form the basis of the complaint; and
 - (c) Be submitted to the District EMS Officer.
- 563.4 The District EMS Officer shall establish a record upon receipt of a complaint or incident report alleging facts which, if proven, would constitute sufficient grounds

for denial, suspension, or revocation of a certification to, or reprimand of a holder of a certification to:

- (a) Operate an Emergency Medical Services Agency;
- (b) Operate an emergency response vehicle;
- (c) Operate an emergency medical services educational institution;
- (d) Perform the duties of an emergency medical services provider; or
- (e) Perform the duties of an emergency medical services instructor under Sections 16, 17, 18, and 25(c) of the Act.

- 563.5 The record of all complaints or incident reports shall be maintained in a confidential database exclusively for the purposes of tracking and monitoring compliance with EMS laws, regulations, and protocols and for the improvement of emergency medical services in the District.
- 563.6 The records of all complaints and incident reports collected by the District EMS Officer and shall be maintained for at least ten (10) years.
- 563.7 The Director shall refer each complaint and incident report to the medical director of the applicable Emergency Medical Services Agency or educational institution.
- 563.8 The medical director of each responsible agency shall be responsible for the investigation of each complaint or incident report to determine whether the agency, vehicle, provider, instructor, or educational institution has failed to comply with the provisions of the Act, rules promulgated pursuant to the Act, protocols established pursuant to the Act, or regulations promulgated pursuant to the Act.
- 563.9 The results of each investigation shall be reported by the emergency medical services agency or educational institution to the District EMS Officer upon completion of the investigation by the agency's medical director.
- 563.10 The District EMS Officer may conduct an independent investigation of a complaint or incident report. The Emergency Medical Services Agency or educational institution shall cooperate fully in such an investigation.
- 563.11 The District EMS Officer shall refer the complaint or incident report, together with the results of the investigation, to the Director and shall make a recommendation to the Director for proposed action, if any.
- 563.12 The Director shall make a determination of any actions to be taken.

- 563.13 Sufficient grounds for denial, suspension, or revocation of a certification granted to an Emergency Medical Services Agency or reprimand of an Emergency Medical Services Agency shall include:
- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for itself or for another;
 - (b) Fraudulently or deceptively using a certificate or license;
 - (c) Abandoning a patient;
 - (d) Willfully making or filing a false report or record related to the provision of emergency medical services;
 - (e) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report or record related to the provision of emergency medical services required to be filed by statute or regulation;
 - (f) Knowingly providing emergency medical services with an unauthorized individual or knowingly aiding an unauthorized individual in providing emergency medical services;
 - (g) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
 - (h) Failing to meet or violating appropriate protocols or standards of care for the delivery of emergency medical services;
 - (i) Willfully submitting a false statement to collect a fee;
 - (j) Surrendering a certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
 - (k) Knowingly failing to report suspected child abuse or neglect in violation of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3) (2012 Supp.));
 - (l) Selling, prescribing, giving away, or administering drugs for illegal purposes;

- (m) Breaching patient confidentiality in violation of HIPAA or any other applicable privacy law or regulation;
- (n) Providing emergency medical services beyond the agency's authorized scope of practice;
- (o) Refusing, withholding from, denying, or discriminating against an individual in need of emergency medical services, with regard to the provision of services which the licensee or certificate holder is licensed or certified and qualified to render due to 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, status as a victim of an intrafamily offense, or place of residence or business;
- (p) Failing to comply with the District of Columbia EMS guidelines on standard protocols;
- (q) Intentionally misrepresenting the level of emergency medical services certification held by individuals or the agency;
- (r) Failure to maintain required levels of insurance and liability coverage;
- (s) Failure to have a medical director;
- (t) Failure to have an operational director;
- (u) Failure to submit or have an approved Quality Assurance and Improvement Plan;
- (v) Failure to report to DOH the incidents outlined in the Quality Assurance and Improvement Plan;
- (w) Failure to maintain records in accordance with this chapter or DOH policy;
- (x) Withdrawal by the District government of the Certificate of Need (CON) for the ambulance service;
- (y) Failure to submit an annual report to DOH; or
- (z) Failure to notify DOH of changes in medical director, agency, or program.

563.14

Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical response vehicle shall include:

- (a) The ground ambulance was not in compliance with:
 - (1) *Federal Specification for the Star-of-Life Ambulance KKK-A-1822* at the time of its manufacture; or
 - (2) National Fire Protection Association (NFPA) 1917 “Standard for Automotive Ambulances” at the time of its manufacture.
- (b) The ground ambulance is not equipped with the mandatory items specified in the American College of Surgeons’ (ACS) Equipment for Ambulances joint document;
- (c) The ground or air ambulance is not covered by the insurance required in this chapter;
- (d) The ground ambulance is not registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate;
- (e) The sponsoring Emergency Medical Services Agency’s certification has been revoked or has not been renewed;
- (f) The ground ambulance is unable to pass a motor vehicle agency inspection;
- (g) The air ambulance is unable to pass a FAA inspection;
- (h) The motor vehicle agency registration for the ground ambulance has been revoked;
- (i) The FAA registration for the air ambulance has been revoked;
- (j) Failure to maintain adequate records on the ground or air ambulance;
- (k) Failure to maintain the emergency medical response vehicle according to CDC recommendations;
- (l) Failure to report an air or ground ambulance collision to the Director; or
- (m) Failure to provide proof of a safety inspection performed by the state in which the emergency medical response vehicle is registered.

563.15 Sufficient grounds for denial, suspension, or revocation of a certification granted to an educational institution shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for itself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Willfully making or filing a false report or record related to the provision of emergency medical services instruction;
- (d) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report required to be filed by statute or regulation;
- (e) Knowingly providing emergency medical services instruction through an individual who is not certified to provide instruction or is not authorized to provide instruction in the area in which he or she is providing instruction, or knowingly aiding an uncertified or unauthorized individual in providing emergency medical services instruction;
- (f) Being disciplined by a licensing or disciplinary authority, or adjudicated by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (g) Willfully submitting a false statement to collect a fee;
- (h) Surrendering the certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
- (i) Providing emergency medical services instruction beyond the institution's authorized scope of instruction;
- (j) Providing emergency medical services instruction beyond the instructor's authorized scope of instruction;
- (k) Refusing, withholding from, denying, or discriminating against an individual requesting emergency medical services instruction due to 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, status as a victim of an intrafamily offense, or place of residence or business;
- (l) Intentionally misrepresenting the level of emergency medical services instructional certification held by individuals or the institution;

- (m) Failure to maintain required levels of insurance and liability coverage;
- (n) Failure to have a medical director;
- (o) Failure to have a program director;
- (p) Failure to submit an annual report to DOH;
- (q) Failure to maintain records in accordance with this chapter or DOH policy;
- (r) Failure to teach the appropriate curriculum or according to the National Educational Standards;
- (s) Failure to pass a site visit inspection;
- (t) Failure to notify DOH of changes in medical director, agency, or program;
- (u) Failure to conduct at least one (1) full length certification course every two (2) years;
- (v) Failure to obtain, revocation of, or failure to renew licensure through the ELC for those institutions required to be licensed by ELC;
- (w) Failure to make necessary improvements to an educational program when an institution has been placed in a one (1) year probation period; or
- (x) Failure to maintain Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) accreditation for paramedic education programs.

563.16 Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical service instructor, or reprimand of an instructor, shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for oneself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Providing instruction in an area for which the instructor is not certified;
- (d) Failure to obtain satisfactory teaching evaluations;

- (e) Failure to maintain an adequate number of teaching hours during the instructor's certification period;
- (f) Failure to maintain provider certification equal to the instructor's level of instruction;
- (g) Loss of certification by the sponsoring EMS educational institution;
- (h) Failure to attend instructor workshops when required;
- (i) Failure to maintain an associated instructional certification for EMS and CE instructors;
- (j) Failure to maintain an associated ALS instructional certification, for AEMS instructors;
- (k) Failure to maintain paramedic certification, for AEMS instructors;
- (l) Willfully making or filing a false report or record related to the provision of emergency medical services instruction;
- (m) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report required to be filed by statute or regulation;
- (n) Knowingly providing emergency medical services instruction with an unauthorized individual, or knowingly aiding an unauthorized individual in providing emergency medical services instruction;
- (o) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (p) Willfully submitting a false statement to collect a fee;
- (q) Refusing, withholding from, denying, or discriminating against an individual requesting emergency medical services instruction due to 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, status as a victim of an intrafamily offense, or place of residence or business; or

- (r) Intentionally misrepresenting the level of emergency medical services instructional certification held by the individual.

563.17

Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical services provider, or reprimand of the provider, shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for himself or herself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Engaging in unprofessional or illegal conduct while providing emergency medical services;
- (d) Being adjudicated incompetent;
- (e) Abandoning a patient;
- (f) Providing emergency medical services while:
 - (1) Under the influence of alcohol; or
 - (2) Using a narcotic or controlled dangerous substance, as defined in District of Columbia law, that is in excess of therapeutic amounts or without valid medical indication or a valid prescription or abusing any other drug or substance in a manner that is harmful;
- (g) Willfully making or filing a false report or record related to the provision of emergency medical services;
- (h) Willfully failing to file a report or record, willfully impeding or obstructing the filing of a report or record, or willfully destroying a report or record required to be filed by statute or regulation;
- (i) Knowingly providing emergency medical services with an unauthorized individual, or knowingly aiding an unauthorized individual in providing emergency medical services;
- (j) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any jurisdiction, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (k) Failure to meet or violating appropriate protocols or standards of care for the delivery of emergency medical services;

- (l) Willfully submitting a false statement to collect a fee;
- (m) Surrendering a certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
- (n) Knowingly failing to report suspected child abuse or neglect in violation of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3) (2012 Supp.));
- (o) Selling, prescribing, giving away, or administering drugs for illegal purposes;
- (p) Breaching patient confidentiality in violation of HIPAA or any other applicable privacy law or regulation;
- (q) Providing emergency medical services beyond the individual's authorized scope of practice;
- (r) Conviction of, pleading guilty or *nolo contendere* to, or receiving probation before judgment with respect to a felony, a serious crime of violence against a person, a crime involving controlled dangerous substances, a serious crime against property, a crime involving sexual misconduct, a crime in which the victim is a patient or other individual entrusted to the care or protection of the applicant or EMS provider, or a crime involving moral turpitude, whether any appeal or other proceeding is pending to have the conviction or plea set aside, except that the individual may apply for reinstatement upon any successful appeal or upon the conviction being set aside;
- (s) Providing or attempting to provide a medical procedure without having received the required education, internship, or experience in the use of the procedure;
- (t) Refusing, withholding from, denying, or discriminating against an individual in need of emergency medical services, with regard to the provision of services which the certificate holder is certified and qualified to render due to 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, status as a victim of an intrafamily offense, or place of residence or business;

- (u) Failing to comply with the District of Columbia EMS guidelines on standard protocols except when the District EMS Officer determines it is impractical or not feasible;
- (v) Intentionally misrepresenting the level of emergency medical services certification held by the individual;
- (w) Failure to comply with the terms of a probation, suspension, or disposition agreement;
- (x) Failure to maintain NREMT certification;
- (y) Failure to maintain affiliation with a District EMS Agency; or
- (z) Withdrawal of sponsorship by the sponsoring medical director.

564 NOTICE AND HEARING

564.1 A holder of a certificate shall be given notice of, and an opportunity for, a hearing before the Office of Administrative Hearings if the effect of the action would be one (1) of the following:

- (a) To revoke a certificate;
- (b) To suspend a certificate;
- (c) To reprimand the holder of a certificate;
- (d) To impose a civil fine;
- (e) To require a course of remediation;
- (f) To require a period of probation; or
- (g) To refuse to renew the certificate for any cause other than failure to pay the required renewal fee.

564.2 If the Director proposes to take an action listed in § 564.1, the Director shall give written notice to the respondent in accordance with Section 16 of the Act, D.C. Official Code § 7-2341.15 (2012 Supp.). The notice shall contain:

- (a) A statement that the Director has sufficient evidence in support of the complaint or incident report, which, if proven to be true, justifies taking the proposed action;

- (b) A description of the nature of the evidence that serves as the basis for the underlying complaint;
- (c) A statement that the Director may take the proposed action, without further notice, unless the applicant requests a hearing before the Office of Administrative Hearings no later than twenty (20) days after service of the notice, and that the Director may take the proposed action if the respondent fails to appear at a scheduled hearing;
- (d) A description of the rights of the respondent at a hearing as specified in § 564.3; and
- (e) A statement that the respondent may request a hearing before the Office of Administrative Hearings in accordance with Section 18 of the Act, D.C. Official Code § 7-2341.17 (2012 Supp.) and Chapter 28 of Title 1 of the DCMR, and that upon such a request the Office of Administrative Hearings will hold a hearing consistent with its regulations and procedures.

564.3 A respondent entitled to a hearing shall have the following rights:

- (a) The right to be represented by an attorney;
- (b) The right to present all relevant evidence by means of witnesses and books, papers, and other documents;
- (c) The right to examine all opposing witnesses on any matter relevant to the issues; and
- (d) The right to have subpoenas issued to compel the attendance of witnesses and the production of relevant books, papers, and other documents upon making a request approved by the Administrative Law Judge in accordance with the Office of Administrative Hearings Rules of Practice and Procedure, as set forth in Chapter 28 of Title 1 of the DCMR, and D.C. Official Code § 2-1831.09(b) (2007 Repl. and 2012 Supp.).

564.4 If a person who was sent a notice of a proposed action pursuant to § 564.2 does not mail or deliver a request for a hearing within the time and in the manner required under that section, the Director may, without a hearing, take the action contemplated in the notice.

564.5 If, after an investigation, the Director determines that the allegations in the complaint or incident report or other information obtained in the investigation present an imminent danger to the health, safety, or welfare of any person or of the general public, the Director may summarily suspend the certification prior to a hearing.

- 564.6 The Director shall serve a written notice of a summary suspension or restriction of a certificate under a health professional in accordance with Section 17 of the Act (D.C. Official Code § 7-2341.16 (2012 Supp.)).
- 564.7 A notice of summary suspension or restriction issued under this section shall state the following:
- (a) The action taken;
 - (b) The reasons for which the action was taken;
 - (c) That the action shall be effective upon service of the notice or at a time and date specified in the notice;
 - (d) That the respondent has a right to make a written request for a hearing before the Office of Administrative hearings within five (5) business days of the service of the notice;
 - (e) That the respondent's request for a hearing shall not stay the action;
 - (f) That the respondent has a right to a hearing within five (5) days of the Director's receipt of the respondent's request for a hearing;
 - (g) A description of a respondent's rights at a hearing as specified in § 564.3; and
 - (h) The address to which the respondent's request for a hearing shall be delivered or mailed.
- 564.8 An action under this section shall take effect immediately upon service, unless the notice states that it takes effect at a later time, and shall remain in effect until superseded by a decision of the Director or a disposition by the Office of Administrative Hearings or until a termination date set forth in the order.

565 FEES

- 565.1 The Director shall collect the following fees from applicants for certification as basic life support providers (Emergency Medical Responders and Emergency Medical Technicians) and for provisional and replacement cards:
- (a) Application fee (initial and renewal) - \$15;
 - (b) Initial certification fee - \$30;

- (c) Renewal of certification fee - \$30;
- (d) Provisional cards - \$10;
- (e) Replacement cards - \$10; and
- (f) Out of State processing fee – Application fee plus ten dollars (\$10).

565.2 The initial certification fee under § 565.1 shall be prorated based on the length of initial certification as follows:

- (a) One (1) to ninety (90) days - \$3.75;
- (b) Ninety-one (91) to one hundred eighty (180) days - \$7.50;
- (c) One hundred eighty-one (181) to two hundred seventy (270) days - \$11.25;
- (d) Two hundred seventy-one (271) to three hundred sixty-five (365) days - \$15;
- (e) Three hundred sixty-six (366) to four hundred fifty-five (455) days - \$18.75;
- (f) Four hundred fifty-six (456) to five hundred forty-five (545) days - \$22.50;
- (g) Five hundred forty-six (546) to six hundred thirty-five (635) days - \$26.25; and
- (h) Six hundred thirty-six (636) to seven hundred thirty (730) days - \$30.

565.3 The Director shall collect the following fees from applicants for certification as advanced life support providers (Advanced Emergency Medical Technicians, Emergency Medical Technician-Intermediates, and Paramedics) and for provisional and replacement cards:

- (a) Application fee - \$25;
- (b) Initial certification fee - \$50;
- (c) Renewal of certification fee - \$30;
- (d) Provisional cards - \$10;
- (e) Replacement cards - \$10; and

(f) Out of State processing fee – Application fee plus ten dollars (\$10).

565.4 Certification fee shall be prorated based on the length of initial certification as follows:

- (a) One (1) to ninety (90) days - \$6.25;
- (b) Ninety-one (91) to one hundred eighty (180) days - \$12.50;
- (c) One hundred eighty-one (181) to two hundred seventy (270) days - \$18.75
- (d) Two hundred seventy-one (271) to three hundred sixty-five (365) days - \$25;
- (e) Three hundred sixty-six (366) to four hundred fifty-five (455) days - \$31.25;
- (f) Four hundred fifty-six (456) to five hundred forty-five (545) days - \$37.50;
- (g) Five hundred forty-six (546) to six hundred thirty-five (635) days - \$43.75; and
- (h) Six hundred thirty-six (636) to seven hundred thirty (730) days - \$50.

565.5 The Director shall collect the following fees for inspecting and certifying ambulances, including Basic Life Support ambulances and Advanced Life Support ambulances:

- (a) Advanced Life Support ambulances - \$600;
- (b) Basic Life Support ambulances - \$400; and
- (c) Follow-up inspections of ambulances following a failed inspection - \$50.

565.6 The Director shall collect the following fees for certifying Emergency Medical Service instructors:

- (a) Application fee - \$5;
- (b) Initial certification fee - \$15; and
- (c) Renewal of certification fee - \$15.

565.7 The Director shall collect the following fees for certifying emergency medical services educational institutions:

- (a) Application fee - \$100;
- (b) Initial certification fee - \$150; and
- (c) Renewal of certification fee - \$200.

566 APPLICABILITY OF FEES AND PENALTIES TO DISTRICT GOVERNMENT AGENCIES

566.1 No District government agency shall be required to pay personnel or organizational fees established by this chapter.

566.2 District government agencies shall be liable for penalties that may be imposed for violation of a provision of this chapter.

567 EMERGENCY AMBULANCE FEES AND BILLING

567.1 The following fees are hereby established for emergency ambulance life support service, and for the transportation of a person in a District of Columbia Fire and Emergency Medical Services Department (FEMSD) emergency ambulance vehicle:

- (a) **Basic Life Support (BLS) Unit Transportation Fee:** A fee of four hundred twenty-eight dollars (\$428) shall be charged for the transportation of each patient in an ambulance staffed by two (2) Emergency Medical Technicians, or an Emergency Medical Technician and an Emergency Medical Technician Intermediate or Paramedic when basic life support is administered to the patient or patients being transported;
- (b) **Advanced Life Support (ALS) Unit Transportation Fee:** A fee of five hundred eight dollars (\$508) shall be charged for the transportation of each patient in an ambulance staffed by an Emergency Medical Technician and an Emergency Medical Technician Intermediate or Paramedic when advanced life support is administered to the patient or patients being transported;
- (c) **Advanced Life Support-Level 2 (ALS2) Unit Transportation Fee:** A fee of seven hundred thirty five dollars (\$735) shall be charged for the transportation of each patient in an ambulance requiring the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous

push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

- (1) Manual defibrillation/cardioversion;
- (2) Endotracheal intubation;
- (3) Central venous line;
- (4) Cardiac pacing;
- (5) Chest decompression;
- (6) Surgical airway; or
- (7) Intraosseous line; and

- (d) Total Mileage Transportation Fee: A fee of six dollars and fifty-five cents (\$6.55) per mile traveled, or any fraction thereof, shall be charged to each patient transported in any of the methods listed in this subsection.

567.2 The FEMSD may waive or reduce the charges imposed by this section for persons who demonstrate economic hardship.

567.3 The FEMSD may waive or reduce charges for reasons other than economic hardship as necessary, where to do so is in the District's best interest, as determined by the Chief of the Fire and Emergency Medical Services Department, or the Chief's designee, in the exercise of his or her discretion.

567.4 Any person transported in a FEMSD ambulance, or that person's legal guardian or duly authorized representative (collectively referred to in this section as the "person"), shall be responsible for payment of ambulance charges in effect at the time of service except as follows:

- (a) The FEMSD shall accept payment of Medicare, Medicaid, or D.C. Healthcare Alliance healthcare plan related benefits which may cover in whole or in part the costs of ambulance transportation, according to the rules of such plans;
- (b) The FEMSD shall not bill, nor hold financially responsible, anyone enrolled in a D.C. Medicaid or other out-of-state Medicaid plan for the services provided by the Department;
- (c) The FEMSD shall not bill, nor hold financially responsible, anyone enrolled in a D.C. Healthcare Alliance healthcare plan, unless such a plan

requires a co-payment or deductible payment to be made by the patient as a requirement of the plan; and

- (d) The FEMSD shall not bill, nor hold financially responsible, any District resident who is a Medicare beneficiary not covered by any other secondary health insurance program for any out of pocket expenses, including co-payments, deductibles and co-insurance.

567.5 Any person transported shall remain personally liable for any fee or portion of a fee not covered by an exception listed in § 567.2 through § 567.4.

567.6 In no event shall any person be denied emergency ambulance service because of inability to pay, nor shall any person be questioned about the ability to pay at the time service is requested.

567.7 The FEMSD, through its duly authorized representative, shall attempt to obtain from each person transported by a FEMSD ambulance sufficient information to enable FEMSD to submit a healthcare insurance claim or mail a bill of ambulance charges to the person for the transportation provided. This information may include, but shall not be limited to, the following:

- (a) Full legal name;
- (b) Residential address;
- (c) Date of birth;
- (d) Sex; and
- (e) If applicable, healthcare or other insurance information.

567.8 FEMSD employees operating emergency ambulance vehicles shall not be permitted to accept payment of any fee, or any portion of any fee, from any person.

567.9 The FEMSD through its duly authorized representative, shall mail a billing and insurance information form to each person transported by FEMSD ambulance. The person who was transported shall complete the form and return it to the FEMSD in the envelope provided, together with full payment or insurance identification information.

567.10 If the billing and insurance information form is not returned to the FEMSD or if the FEMSD, through its duly authorized representative, cannot identify patient insurance information or coverage to submit a claim for paying ambulance charges, FEMSD may use patient, hospital, District, FEMSD, and authorized third party records, including electronic records, to identify, confirm, or recover patient

and insurance information for ambulance billing purposes. Techniques and practices shall include, but are not limited to:

- (a) Recovery of personal identity information including full legal name, date of birth, sex, or other distinguishing characteristics to prevent fraudulent patient identification; and
- (b) Recovery of the person's billing information including District resident status, residential address, telephone number(s), health insurance information, auto insurance information, or other information to help identify insurance coverage status or file an insurance claim.

567.11 The FEMSD through its duly authorized representative, shall submit claims to insurance companies and other third parties identified as being responsible for payment of ambulance charges. The FEMSD through its duly authorized representative, shall pursue payment of ambulance charges considered due and owing from persons who were transported by a FEMSD ambulance for a period of at least twenty four (24) months after the date of transport by FEMSD ambulance.

567.12 Reasonable and acceptable methods to be utilized by the FEMSD through its duly authorized representative, for collection of payments may include but are not limited to, the following:

- (a) Filed paper and electronic claims;
- (b) Mailed invoices, letters, and other memoranda;
- (c) Telephone calls to insurers, persons, or other responsible parties; and
- (d) Other methods, including automated electronic notifications, that do not constitute "harassment or abuse," "false or misleading representations," or "unfair practices" as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p.

567.13 A health care facility shall reimburse the FEMSD for the cost of emergency ambulance services incurred by a patient resident of the health care facility if the health care facility requests ambulance transport services from the FEMSD and the patient's healthcare insurance denies payment for the ambulance transport after a determination that the transportation did not meet the medical necessity standard as provided in Section 410.40(d) of Title 42 of the Code of Federal Regulations.

- (a) "Health care facility" shall have the same meaning as provided in Section 2(5) of the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051.02(5) (2005 Repl.).

- 567.14 The FEMSD may make a determination of “economic hardship” upon request by a District resident who is unable to pay ambulance charges because he or she:
- (a) Has an annual income of less than one hundred fifty percent (150%) of poverty level for an individual or family or domestic partner arrangement as determined by “Poverty Guidelines for the 48 Contiguous States and the District of Columbia” published each year by the Federal Department of Health and Human Services;
 - (b) Is unemployed and receiving unemployment benefits; or
 - (c) Is considered “permanently disabled” for tax reporting purposes; and
 - (d) Is not and will not be eligible for Medicare, Medicaid or other public healthcare insurance coverage during a twelve (12) month period after the date of transport by FEMSD ambulance;
 - (e) Is not and will not be eligible for private healthcare insurance or other insurance coverage during a twelve (12) month period after the date of transport by FEMSD ambulance; and
 - (f) Is not eligible to receive any other recognized insurance or other third party payment that could pay due and owing ambulance charges during a twenty four (24) month period after the date of transport by FEMSD ambulance.
- 567.15 Ambulances charges shall be paid by check or money order made payable to the order of the “D.C. Treasurer.”
- 567.16 When the FEMSD, through its duly authorized representative, identifies that a person responsible for payment of ambulance charges received funds for payment of such charges from a third party entity and nonetheless failed to remit payment to the FEMSD not later than thirty (30) calendar days after having received such funds, the FEMSD shall, by request to the Office of the Attorney General, undertake legal proceedings to collect payment of such funds. Payments from third party entities shall include, but are not limited to:
- (a) Workers’ compensation payments;
 - (b) Workers’ compensation insurance payments;
 - (c) Disability insurance payments;
 - (d) Employer third party payments;
 - (e) Civil settlements, awards, or claim payments;
 - (f) Third party settlements or payments; and

(g) Other recognized insurance program payments.

567.17 If the person responsible for payment of ambulance charges has not fulfilled his or her obligations as set forth in this section after receiving the initial billing and two (2) subsequent notices at least thirty (30) days apart, the Fire and EMS Chief, or his or her duly authorized representative, may, at his or her discretion, request the Office of the Attorney General to undertake legal proceedings to collect the unpaid portion of any fee.

599 DEFINITIONS

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

ACEP - the American College of Emergency Physicians.

Act - the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. law 17-357; D.C. Official Code §§ 7-2341.01, *et seq.* (2012 Supp.)).

ACS - the American College of Surgeons.

Administrative Law Judge - a hearing examiner authorized to hear cases pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.02, *et seq.* (2007 Repl. and 2012 Supp.)).

Advanced Cardiac Life Support (ACLS) - the educational and certification program operated that the American Heart Association operates.

Advanced Emergency Medical Services (AEMS) instructor - an individual who meets the necessary educational requirements to teach Advanced EMT, EMT-Intermediate, and Paramedic courses.

Advanced Life Support (ALS) - the level of care which may be rendered by an individual certified as an:

- (a) Advanced Emergency Medical Technician (AEMT);
- (b) Emergency Medical Technician – Intermediate (EMT-I); or
- (c) Paramedic.

Advanced Life Support (ALS) education program - an individual, agency, corporation, association, or other entity that prepares individuals for District emergency medical services (EMS) certification at the ALS level.

Advertising - information communicated by oral, electronic, written, or graphic means including handbills, newspapers, business cards, letterhead, other business stationery, television, billboards, radio, and telephone directories, including ambulance markings, but not including novelty items such as key chains, pens, pencils, or mugs.

Affiliated - having employment or membership as an EMS provider with an Emergency Medical Services Agency or EMS Educational Institution.

AHA- the American Heart Association.

Air ambulance - any aircraft designed and constructed or modified and equipped to be used, maintained, or operated as an ambulance.

Air medical - an Emergency Medical Services Agency that responds to medical emergencies to offer care and provides transport to a hospital by an air ambulance.

Ambulance - any motor vehicle or aircraft designed and constructed or modified and equipped to be used, maintained, or operated for the transportation of individuals who are sick, injured, wounded, or incapacitated. The term “ambulance” does not include a motor vehicle or aircraft designed and constructed or modified and equipped with a hydraulic lift which is used, maintained, or operated exclusively for transporting, in wheelchairs, patients who do not require the use of equipment and trained personnel found in an ambulance.

Automated External Defibrillator (AED) - a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia in a patient and is able to treat them through defibrillation.

Base station - a unit which has been approved by the Director to provide online medical direction to EMS providers.

Basic Life Support (BLS) - the level of care which may be rendered by an individual certified as an:

- (a) Emergency Medical Responder (EMR); or
- (b) Emergency Medical Technician (EMT).

Basic life support (BLS) education program- an individual, agency, corporation, association, or other entity that prepares individuals for EMS certification at the BLS level.

Candidate - a person who has applied for initial certification or renewal of an existing certification as an EMS provider.

CDC - the Centers for Disease Control and Prevention.

CECBEMS - the Continuing Education Coordinating Board for Emergency Medical Services, a national accrediting body for EMS continuing education courses and course providers.

Certification course - a course of instruction designed to allow the participant to obtain certification as an EMS provider at the BLS or ALS level.

CoAEMSP - the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions which is a national committee that accredits programs instructing EMS curricula.

Continuing Education (CE) - education used for renewal of EMS licensure or certification.

Continuing Education Hour - One (1) CE hour is any one (1) of the following:

- (a) Fifty (50) minutes of approved classroom or skills laboratory activity; or
- (b) One (1) hour of approved media-based or periodical-based CE (such as films, videos, computer simulation, interactive computer modules, and magazine articles).

Continuing education instructor - an individual who meets necessary educational requirements to teach only continuing education courses.

Curriculum - the required educational content of an EMS course that the DOH approves for certification as an EMS provider.

Day - a calendar day.

Department - the District of Columbia Department of Health.

Director - the Director of the District of Columbia Department of Health or his or her designee.

Distance education - a method of acquiring knowledge and skills through mediated information and instruction, encompassing all technologies and forms of learning at a distance.

District EMS Officer – a physician in the District of Columbia Department of Health who is appointed by the Director to oversee the District's Emergency Medical Services.

DOH - the District of Columbia Department of Health.

Education Licensure Commission (ELC) - the Commission that licenses, approves, or oversees all private postsecondary educational institutions in the District of Columbia.

EMD - an emergency medical dispatch program.

Emergency - a sudden or serious symptom in a patient which might indicate a condition which:

- (a) Is threatening to the patient's physical or psychological well-being; and
- (b) Requires immediate medical attention to prevent possible deterioration, disability, or death of the patient.

Emergency Medical Response Vehicle - a vehicle or conveyance used to respond to the scene of a medical emergency for the purpose of rendering medical assistance, including the provision of medical assistance on the scene or the transportation of patients to a health care facility or other treatment facility. The term "emergency medical response vehicle" includes:

- (a) Ambulances which operate as motor vehicles, watercraft, or aircraft; and
- (b) Fire engines, motor vehicles, Segways, or other ground, water, or air vehicles used to transport emergency medical services personnel, supplies, or equipment to the scene of an emergency.

Emergency Medical Services (EMS) - medical services provided pre-hospital to prevent imminent death or aggravation of illness or injury; transport from the scene of a medical emergency to a hospital or other appropriate facility whether or not medical services are provided; medical inter-facility transport services to an appropriate facility; or medical inter-facility critical care transport to an appropriate facility.

Emergency Medical Services Agency (EMSA) - a certified agency providing medical care at the Emergency Medical Responder (EMR), Emergency

Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), EMT-I, or Paramedic level as a transport agency or non-transporting first responder agency.

EMR instructor - an individual who has met the necessary educational requirements to teach Emergency Medical Responder courses.

EMS provider - an individual certified by DOH to provide emergency medical services.

EMT instructor - an individual who has met the necessary educational requirements to teach Emergency Medical Technician courses.

FAA - the Federal Aviation Administration.

First Responder Emergency Medical Services Agency - an Emergency Medical Services Agency that responds to medical emergencies to offer care but does not provide transport to a hospital.

Glasgow Coma Scale (GCS) - a standardized system for assessing the degree of conscious impairment in the critically ill and for predicting the duration and ultimate outcome of coma.

Ground Transport EMR Agency - an Emergency Medical Services Agency that responds to medical emergencies to offer care and provides transport to a hospital by ambulance.

Health Insurance Portability and Accountability Act (HIPAA) - the federal law that provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information.

HEPRA - the Health Emergency Preparedness and Response Administration, an administration within the DOH.

JCAHO - the Joint Commission on Accreditation of Healthcare Organizations.

Licensed physician - an individual holding a current and valid license to practice medicine in the District of Columbia.

Mass Casualty Incident (MCI) - an incident in which emergency medical services personnel and equipment at a scene are unable to timely and adequately provide emergency medical services, because of the large number and severity of casualties.

Medical aid station - a temporary-use facility, such as a tent or a room within an existing building structure, designated to provide basic or advanced life support emergency medical care prior to arrival, treatment, or transport by an EMSA or its personnel during special events or emergencies.

Medical control - supervision by an EMS agency's physician who is responsible for the care of the patient by the agency's medical providers.

Medical control orders - medical instructions that may be direct by two (2)-way voice communications (on-line) or indirect by protocol (off-line).

Medical director - an agency's licensed physician who has overall responsibility for the EMS agency and who works with either the operational or educational section of the agency to provide medical oversight of EMS activities.

Medication – a substance taken by mouth; injected into the muscle, blood vessel, or cavity of the body; or applied topically to treat or prevent a disease or condition.

NAEMSP - the National Association of Emergency Medical Service Physicians.

National Emergency Medical Services Information System (NEMSIS) – a national repository designed to store EMS data from every state in the nation.

National Registry of Emergency Medical Technicians (NREMT) - the not-for-profit independent non-governmental agency that provides standardized national testing and registration for emergency medical technicians based on national training standards.

NHTSA - the United States National Highway Transportation Safety Administration.

NIMS - the National Incident Management System.

Non-transport emergency medical response vehicle - a vehicle certified to respond to a medical emergency that is not designated to transport a patient to a hospital or other health care facility.

On-line medical control physician - the physician who directly communicates with the agency's EMS providers regarding appropriate patient care procedures while on the scene of a medical emergency or en route to the hospital.

Operational CE programs - a continuing education program that is sponsored by an Emergency Medical Services Agency.

Operational director - a District-certified or licensed provider, who is certified or licensed at a level equal to that of the Emergency Medical Services Agency by which he or she is employed, who is responsible for the operations, treatment, and transport of patients in the pre-hospital setting.

OSSE - the District of Columbia Office of the State Superintendent of Education.

Person – an individual, firm, corporation, association, or governmental agency either as owner, agency, or otherwise.

Preceptor hours - the time spent on an emergency medical response vehicle to observe and assist with the training of EMS providers.

Quality Assurance (QA) - an organized method of auditing and evaluating care provided within an EMS system.

Quality Improvement (QI) - a systematic review of pre-hospital care designed to improve the overall delivery of care within the EMS system.

Quality improvement officer – a District-certified or licensed provider, who is certified or licensed at a level equal to that of the EMR agency by which he or she is employed, who is responsible for the quality improvement activities within the agency.

Refresher course - a continuing education course which provides continuing education requirements required for renewal of an EMS license or certificate.

Representative – A person to whom authority for a particular act has been delegated by the Director.

Respondent - a person against whom an adverse action is contemplated, proposed, or taken.

Revocation - action taken by the Department that permanently voids a certification such that the holder may no longer perform the function associated with the certification.

Sponsoring EMS agency – a District certified Emergency Medical Services Agency or educational institution.

Special Event – includes, but is not limited to, a circus, rodeo, carnival, fair, concert, parade, flea market, marathon, walkathon, race, bicycle event,

festival, celebration, performance, singing, playing of musical or other instruments, dancing or amusement of any kind, preaching, exhorting, or lecturing conducted or operating in a building, tent or temporary structure of any kind, on vacant land, or in a yard or area appurtenant to any building, on public or private space.

Star-of-Life ambulance - an ambulance which is constructed in compliance with *Federal Specification KKK-A-1822*.

Suspension - action taken by the Department that temporarily voids a certification such that the holder may no longer perform the function associated with the certification until the holder has complied with the statutory requirements and other conditions imposed by DOH.

Time call is dispatched - the date and time the responding unit was notified by dispatch.

Time call received - the date and time the phone rings (911 call to public safety answering point or other designated entity) requesting EMS services.

Time patient was transported to the hospital - the date and time the responding unit left the scene (started moving) en route to the hospital.

Time patient arrived at the hospital - the date and time the responding unit arrived with the patient at the hospital destination or transfer point.

Time personnel arrive on the scene - the date and time the responding unit arrived on the scene; that is, the time the vehicle stopped moving.

Time personnel respond - the date and time the unit responded; that is, the time the vehicle started moving.

Time personnel returned to service - the date and time the unit was back in service and available for response (finished with call, but not necessarily back in home location).

Time transport service was requested - the date and time the non-transport EMS agency initiated contact with another EMS agency for transport.

Triage tag - a tool for EMS providers to use during a mass casualty incident to identify those patients that need immediate care (red tag), are potentially unstable (yellow tag), are stable patients and can reasonably wait for emergency medical service (green tag), and are deceased (black tag).

Type of call - the type of complaint dispatch reported to the responding unit.

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 sent to the Department of Health, Health Emergency Preparedness and Response Administration, 55 M Street, S.E., Suite 300, Box 4, Washington, D.C. 20003, attention: Marie-Claire Brown, Senior Assistant Attorney General, email: marie-claire.brown@dc.gov, telephone 202-671-4222. Copies of the proposed rule may be obtained from the Department at the same address during the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No.3

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to its authority under Section 2-505, and in accordance with Section 34-802 of the District of Columbia Official Code,¹ hereby gives notice of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")² in not less than thirty (30) days after the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On March 21, 2013, pursuant to D.C. Official Code Section 10-1141.06,³ WGL filed a tariff application to update the ROW Current Factor.⁴ In the Tariff Application, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
Section 22
3rd Revised Page 56

3. WGL's Tariff Application shows that the ROW Current Factor is 0.0329 with the ROW Reconciliation Factor of 0.0035 for the prior period, which yields a net factor of 0.0364.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the April 2013

¹ D.C. Official Code § 2-505 (2011 Repl.) and D.C. Official Code § 34-802 (2010 Repl.).

² *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2")* Rights of Way Current Factor Surcharge Filing of Washington Gas Light Company, ("Tariff Application"), filed March 21, 2013.

³ D.C. Official Code § 10-1141.06 (2008 Repl.) stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2*, Tariff Application at 1.

⁵ *GT00-2*, Tariff Application at 2; See also Order No. 16924, rel. September 20, 2012, where the Commission approved the Reconciliation Factor.

billing cycle.⁶ The Company has a statutory right to implement its filed surcharges however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, WGL could be subject to reconciliation of the surcharges.

4. The proposed Tariff Application may be viewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at www.dcpSC.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. All persons interested in commenting on the proposed tariff must submit written comments to Brinda Westbrook-Sedgwick, Commission Secretary, at 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005. Comments must be received no later than thirty (30) days after the date of publication of this NOPR in the *D.C. Register*. Persons who wish to file reply comments may do so no later than forty-five (45) days after the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action.

⁶ GT00-2, Tariff Application at 2.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia (Board), pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a) and 38-1202.06(13) (2001 ed. & 2012 Supp.)), hereby gives notice of its intent to amend Chapter 2 of Title 8 DCMR, entitled "Administration and Management". The Board of Trustees took rulemaking action at a Regular Meeting on April 17, 2013. The purpose of the proposed rule is to allow the Board of Trustees greater latitude in making an acting appointment.

The Board also gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than 30 days after publication of this notice in the *D.C. Register*.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:

Section 210, EXECUTIVE APPOINTMENTS GENERAL PROVISIONS, Subsection 210.4 is amended to read as follows:

210.4 The President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment without requiring that employee to resign from his or her current position. Compensation of appointees with "acting" status shall be determined in accordance with the provisions of § 210.6 and other applicable subsections of this chapter. Service in an "acting" status in a position designated to be filled by executive appointment shall be limited to one (1) year. The President shall seek Board approval for an extension forty five (45) days prior to the year ending if he/she determines and can demonstrate that additional time is needed. Should an extension be approved by the Board, the President shall provide the Board immediately with a plan and time line for making the permanent appointment within ninety days (90) of the end of the one (1) year period should the appointment be necessary. The Board may approve an extension or renewal of an acting appointment for no more than one (1) additional year due to extenuating circumstances as determined by the Board.

All persons desiring to comment on the subject matter of the 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 the Office of General Counsel, Building 39-

Room 301Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W. Washington, D.C. 20008. Comments may also be submitted by email to smills@udc.edu. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking” in their subject line. Copies of the proposed rules may be obtained from the Office of the General Counsel at the address set forth above.

DEPARTMENT OF HUMAN SERVICES**NOTICE OF EMERGENCY RULEMAKING**

The Director of the Department of Human Services (Department), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35, D.C. Official Code § 4-756.02 (2008 Repl.)), and Mayor's Order 2006-20, dated February 13, 2006, hereby gives notice of the adoption of the following emergency rules. The emergency rules amend Chapter 25, Shelter and Supportive Housing for Individuals and Families, of Title 29 of the District of Columbia Municipal Regulations (DCMR).

The purpose of these emergency rules is to establish criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 4-753.04).

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 9, 2012, at 59 DCR 12898. The emergency rules expired January 8, 2013. The Department published a second Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on February 1, 2013, at 60 DCR 1236. These emergency rules expired April 8, 2013.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), is necessary for immediate preservation of the health, safety and welfare of District of Columbia residents who are homeless. The emergency and proposed rules that were published on February 1, 2013, are undergoing their mandated forty-five (45)-day Council Review Period. The emergency rules, however, expire before the Council Review Period ends. These emergency rules are necessary so that eligible homeless families can continue to be referred to the Department of Columbia Housing Authority's (DCHA) Local Rent Supplement Vouchers Program (LRSP) during the pending Council review.

These emergency rules are the same as those that were published on February 1, 2013. No substantive changes have been made since publication.

The emergency rules were adopted on April 5, 2013, and shall remain in effect for one hundred twenty (120) days after adoption; expiring on August 2, 2013, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended by adding new Sections 2556 through 2558 to read as follows:

2556 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – PURPOSE AND SCOPE

- 2556.1 The purpose of §§ 2556 - 2558 is to establish the special eligibility criteria by which families will be determined eligible and prioritized for referral to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the tenant-based Local Rent Supplement Vouchers Program as authorized and funded by Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 4-753.04) (hereinafter “LRSP vouchers”).
- 2556.2 Sections 2556 through 2558 govern only the initial eligibility, prioritization, and referral of families to the DCHA for the LRSP vouchers and no other provisions of this chapter shall apply to the families once referred, unless otherwise and explicitly provided in §§ 2556 - 2558.
- 2556.3 The DCHA shall make the final determination of a family’s eligibility for a LRSP voucher. Families referred to the DCHA for the LRSP vouchers are subject to all applicable eligibility and other requirements of the applicable Local Rent Supplement Program, as promulgated and administered by the DCHA, and in accordance with Title V, Subtitle K of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 4-753.04).
- 2556.3 Nothing in these rules shall be construed to create an entitlement either direct or implied on the part of any individual or family to referral to or participation in the Local Rent Supplement Program.

2557 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – ELIGIBILITY REQUIREMENTS

- 2557.1 An applicant unit shall be eligible for referral to the DCHA for the LRSP vouchers if the applicant unit is a family, as defined in § 2599, that:
- (a) Is currently homeless, because the applicant unit:
- (1) Lacks a fixed, regular residence that provides safe housing, and lacks the financial means to acquire such a residence immediately, including victims of domestic violence who cannot remain in their present housing for safety reasons;
 - (2) Has a primary nighttime residence that is a supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations governed by this chapter or is currently receiving a rental subsidy through the Family Re-Housing and Stabilization Program governed by Chapter 28 of Title 29 of the District of Columbia Municipal Regulations; or

- (3) Has no other housing options identified;
- (b) Is a resident of the District of Columbia as defined by D.C. Official Code § 4-751.01(32) (2008 Repl. & 2012 Supp.); and
- (c) Has significant barriers to increasing income or achieving housing stability as demonstrated by having at least one (1) of the following household characteristics:
 - (1) Head of household, or both heads of household if a two (2)-parent household, is disabled and unable to work, as demonstrated by receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, or other medical documentation;
 - (2) Household include a child or children with a moderate to severe physical, behavioral, developmental, or mental health disability that is a barrier to housing stability;
 - (3) Head of household, particularly youth head of household defined as twenty-four (24) years of age or younger, in which at least one (1) parent has aged out of foster care, experienced significant involvement with child welfare as a minor child, or experienced significant involvement with the youth rehabilitation or correctional systems as a minor child;
 - (4) Head of household is a victim of an intrafamily offense, domestic violence, dating violence, or stalking that is a barrier to work either because working places the person at further risk of violence or the family violence has resulted in creating barriers to work for the victim; or
 - (5) Large family size, defined as a household with five (5) or more minor children.

2557.2 Families determined to be eligible pursuant to § 2557.1(c), may be prioritized for referral based on the:

- (a) Severity of barrier(s) to achieving housing stability absent a LRSP voucher;
- (b) Length of time on the Public Housing or Housing Choice Voucher Waiting list at the DCHA; or
- (c) Number of episodes or length of time of homelessness.

2558 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM - APPLICATION AND RIGHT TO APPEAL

- 2558.1 An authorized representative may apply on behalf of the applicant, if the applicant provides a written and signed statement stating why the applicant cannot apply in person and the name and address of the person authorized to act on the applicant's behalf.
- 2558.2 Each application shall be in writing on a form that the Department prescribes and signed by the applicant or authorized representative under penalty of perjury. If the applicant is married and living with a spouse, both spouses shall sign the application as an applicant unit (hereinafter "applicant").
- 2558.3 Upon request by an applicant with a disability, or the authorized representative of an applicant with a disability, the Provider shall assist the applicant or authorized representative with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 2558.4 The Department shall provide application forms, and the Provider shall accept applications from each applicant who requests assistance.
- 2558.5 At the time of application, each applicant shall be provided with a clear, concise, written notice containing the applicant's rights and responsibilities and the Provider's responsibilities with respect to the Local Rent Supplement Program. The Provider shall request that all applicants, personally or through an authorized representative, sign a document acknowledging receipt of this notice.
- 2558.6 As part of the application process, all applicants, personally or through an authorized representative, shall sign a release form authorizing the Provider to obtain or verify information necessary to process the application.
- 2558.7 Each applicant shall cooperate fully in establishing his or her eligibility, including the basis of the applicant's homelessness and shall provide, to the extent available and relevant, documentation or collateral proof of:
- (a) Household composition;
 - (b) Employment status and employment history;
 - (c) Education history;
 - (d) Income and assets;
 - (e) Household expenses;

- (f) Facts and circumstances surrounding homelessness, including rental and other relevant housing history;
- (g) Financial and other assets available or obtainable in the short and long term to support housing stability; and
- (h) Facts and circumstances surrounding financial and other barriers to housing stability.

2558.8 The Provider shall give to each applicant a written request specifying the information needed to complete the application, and the Provider shall discuss with the applicant how to obtain the information. The application shall be considered complete when all required information is furnished.

2558.9 The Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.

2558.10 An application shall be considered abandoned if the applicant has not obtained and provided to the Provider the required information for eligibility determination within sixty (60) calendar days of the date of application.

2558.11 If an interested individual or family submits an application and is found not to be eligible, the Department or its designee shall provide the applicant with a Notice of Denial of Eligibility, which shall include:

- (a) A clear statement of the applicant's eligibility determination;
- (b) A clear and detailed statement of the factual basis of the denial, including a reference to the eligibility criteria set forth in § 2557 that has not been met;
- (c) A clear and complete statement of the client's right to request a reconsideration from the Department or the Department's designee if he or she disagrees with the Department's or the Department's designee's decision to deny his or her referral to the Local Rent Supplement Program, or if he or she has questions regarding the Department or its designee's decision to deny his or her referral to the Local Rent Supplement Program; and
- (d) A clear and complete statement of the client's right to appeal the denial of eligibility through a fair hearing and administrative review including the appropriate deadlines for instituting the appeal.

2558.12 If a family issued a Notice of Denial of Eligibility pursuant to § 2558.11 is successful in their appeal, the family shall be prioritized for referral based on the criteria set forth in § 2557.2.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF EMERGENCY RULEMAKING**

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in sections 5(3)(A) (providing for a safe transportation system), 6(b) (transferring to the Department the traffic management function previously delegated to the Department of Public Works (DPW) under section III (H) of Reorganization Plan No. 4 of 1983), and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D), 50-921.05(b), and 50-921.06 (2009 Repl. & 2012 Supp.)), and Mayor's Order 77-127, dated August 3, 1977, hereby gives notice of the adoption of the following emergency rulemaking that amends Chapter 22 (Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The emergency rule prohibits U-turns across bicycle lanes, including the bicycle lane on Pennsylvania Avenue.

This emergency rulemaking is necessitated by the immediate and continued need to address the threat to the public welfare posed by vehicles making U-turns on Pennsylvania Avenue and causing accidents with bicyclists. District residents and their visitors use the new bicycle lanes on Pennsylvania Avenue, and it is already a busy street for vehicular traffic. There are growing safety concerns about vehicles making U-turns on Pennsylvania Avenue – currently the only street in the District with a bicycle lane running in between the travel lanes – without seeing bicycles. Recent accidents have highlighted that concern. The emergency rulemaking allows DDOT and the Metropolitan Police Department to better maintain – through education and enforcement – bicycle safety on Pennsylvania Avenue and future bicycle lanes that run in between travel lanes until the publication of final rulemaking.

This emergency rule was adopted on April 9, 2013, and became effective immediately. This emergency rule will remain in effect until August 7, 2013, one hundred twenty (120) days from the date it became effective, or until superseded by a notice of final rulemaking.

Section 2204 of Chapter 22 (Moving Violations) of Title 18 (Vehicles and Traffic), is amended by adding a new Subsection 2204.10 to read as follows:

2204.10 No vehicle shall make a U-turn so as to proceed in the opposite direction across a bicycle lane.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b) and Mayor's Order 2001-96 (June 28, 2001) as revised by Mayor's Order 2001-102 (July 23, 2001), hereby gives notice of its intent to adopt the following emergency and proposed rules that would add a definition of a full-service grocery store to § 199 of Chapter 1 (General Provisions) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR) pursuant to the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, effective January 14, 2013 (Act 19-0597; 60 DCR 1001), adopted by the Council of the District of Columbia on December 18, 2012. These emergency and proposed rules define what constitutes a full-service grocery store in order to effectuate the purpose of the full-service grocery store exception to the existing moratorium on the issuance of new off-premises Retailer's Class B Licenses. This rulemaking is also necessary to address a specific provision of the Act which requires the Board to undertake a rulemaking defining the term "full service grocery store" within forty-five (45) days of the effective date of the Act.

Pursuant to D.C. Official Code § 25-211(b)(2) (2012 Supp.), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. These rules shall not become effective as permanent rules absent approval by the Council.

The Board is adopting these rules on an emergency basis so that applications for the full-service grocery store exception can be reviewed and processed by the Board in a timely manner. Specifically, it is imperative that applicants, Advisory Neighborhood Commissions, and other members of the public know what criteria the Board is using to determine whether an applicant meets the full-service grocery store criteria. In addition, a definition of a full-service grocery store is necessary on an emergency basis to enable the Board to timely adjudicate protests that challenge the designation of an establishment as a full-service grocery store.

The Board held a public hearing on the initial proposed rules on February 28, 2013. In addition, the Board left the record open until March 8, 2013, in order to give the public an opportunity to submit written comments. The Board received the following comments regarding the proposed regulation:

Florence Harmon, Chair of the Foggy Bottom & West End Advisory Neighborhood Commission 2A (ANC 2A), submitted a resolution dated March 19, 2013, supporting the proposed rulemaking. ANC 2A praised the Board for its undertaking, recognizing the difficulty in crafting a specific, quantifiable, "one-size-fits-all" definition for grocery stores. ANC 2A noted that the standards set forth in the proposed rules will encourage retail establishments seeking alcoholic beverage licenses to offer a more robust line of traditional grocery products, especially in certain geographic locations that lack stores that offer a full line of groceries.

Gary Cha, the owner of Yes Organic Market, believes that the Board's proposed regulation could exclude some full-service grocery stores. According to Mr. Cha, the proposed regulation has omitted frozen foods, which could be included in any of the categories listed in the proposed regulation. In addition, Mr. Cha is concerned that the measurement requirement is vague on how to comply with the space requirement. For example, the regulation is unclear on how to count food preparation areas, such as deli or butcher areas that include sinks, cutting equipment, and scales. In addition, he believes the measurement criteria does not consider the possibility that a store may mix product areas and that some areas of the store may switch products on a frequent basis (i.e., end caps may change from holding rock salts, Valentine's Day products, and other products on a rotating basis). Mr. Cha suggested that the Board consider a food-related stock-keeping unit (SKU) minimum to determine whether an establishment is a full-service grocery store.

Angus Armstrong, Esq., and Stephen O'Brien, Esq., on behalf of Trader Joe's Co., cautioned the Board that the proposed regulation may unnecessarily preclude full service grocery stores from obtaining a license. Trader Joe's is concerned that the proposed regulation excludes canned and frozen foods, which are products mentioned in the statute. Trader Joe's suggests that if they are not intended to be omitted, then the Board should cite canned and frozen foods in the regulation.

Denis James asked the Board to broaden the proposed regulation to include all products that a consumer would expect at a full-service grocery store. He opposes the four out of five product category criteria created by the Board, and he believes that the regulation should include frozen or canned foods.

Nina Albert, on behalf of Walmart, is concerned that the proposed rules may adversely impact Walmart's operations in the District of Columbia, and adversely impact Walmart's merchandise selection in certain parts of the city. However, Ms. Albert believes that Walmart can comply with the product category requirements, and therefore, she does not oppose the present language in this section of the proposed rules. Nevertheless, Walmart has concerns about the minimum square footage requirement, such that it would require a store containing 100,000 square feet of retail space, to have an aggregate of 20,000 to 25,000 square feet set aside for each of the food categories identified in the rule. Moreover, Ms. Albert is concerned that the minimum requirement for each category would require 5,000 square feet if the store had 100,000 square feet of retail space. Walmart suggests that the Board consider the square footage of the grocery store within a combination retail-grocery store as the total retail space for ABRA compliance purposes.

Paul Pascal, Esq., on behalf of CVS, recounted the legislative history of the full-service grocery store exception, stating that the original law was created to attract a variety of food service businesses of all varieties to the District. He also noted that the new law was intended to be flexible. Mr. Pascal is concerned that the product requirements do not align with market realities, nor do they include canned or frozen foods. Mr. Pascal is also concerned that it is unclear as to who is responsible for ensuring the accuracy of the measurements. Mr. Pascal encouraged the Board to process pending applications, because CVS dutifully applied under the full-service grocery store exception in good faith, and it applied with the understanding that ABRA's administrative processes would adjudicate its application.

Rick Conner, the District Manager of Walgreens, commented that the proposed rules impair the ability of Walgreen, Co., to expand in the District of Columbia. Mr. Conner argued that supermarkets are entering the pharmacy market and becoming one-stop shopping destinations. Likewise, Walgreens must do the same to remain competitive. Mr. Conner also commented that the Board is departing from past practice by applying the regulation to pending applications.

ANC Commissioner Karen Perry believes the proposed regulation is not sufficiently restrictive. Citing the Food Marketing Institute, Commissioner Perry believes that a full-service grocery store should carry anywhere from 15,000 to 60,000 SKU's, and generate at least \$2 million dollars in sales. In addition, she reports that the median square footage of a grocery store is 46,000 square feet. Commissioner Perry believes that a full-service grocery store should have more than half of the store dedicated to the sale of food items.

Brian Lederer believes that the proposed regulation is too broad. He finds that the legislative history shows that the Council of the District of Columbia only intended the exception to apply to "high-quality grocery stores." According to Mr. Lederer, supermarkets like Safeway, Giant, and Whole Foods dedicate far more than half of their retail space to food products. In his opinion, the grocery store exception should not apply to pharmacies and other convenience stores.

Risa Hirao, Esq., on behalf of the District of Columbia Association of Beverage Alcohol Wholesalers (DCABAW) is concerned that the proposed regulation will impede economic development. Ms. Hirao stated that the five percent (5%) requirement should not be based on the total retail space of the store. She believes the five percent requirement will harm "big box" stores, because it requires them to dedicate more space to consumables than they otherwise would. She also believes it will be difficult for small stores or specialty grocery stores to comply with the regulation. She is further concerned that the product categories listed in the proposed rules exclude gourmet frozen foods, honey, maple syrup, soups, sauces, tuna fish, non-dairy products such as hemp, hazelnut, and soy milk, canned vegetables, and other products. Lastly, Ms. Hirao argued that the proposed regulation deprives retailers of the ability to choose what items they purchase and where to display them in their stores.

Ms. Hirao is also concerned that the regulation does not clearly explain the methodology the Board will use to determine whether a store has met the minimum space requirement set forth in the proposed rules. For example, Ms. Hirao questioned how the Board will define total retail space, and how the Board will measure the retail area if products from multiple categories are comingled on the same shelf or display case.

Ms. Hirao further argues that the regulation will create a disincentive to do business in the District of Columbia. She is concerned that businesses will delay expanding their operations or product lines, because changing space in the store would affect their ability to continue qualifying as a full-service grocery store. The regulations create a disincentive to add retail space dedicated to other departments, like flower shops, kitchens, and bakeries, because those other areas may reduce the amount of space available for the sale of food products required by the proposed regulation.

Eric Smucker, represented by Andrew Kline, has a pending application for a Retailer's Class B License, and he seeks to qualify his establishment as a full-service grocery store. According to Mr. Kline, the Board should consider that the city has limited space to accommodate large grocery stores and that there are many types of food selling operations that could qualify as a full-service grocery store. As a result, he urged the Board to ensure that the rules take into account small business operations.

Roderic Woodson, Esq., believes that the Board should leave itself the flexibility to determine what qualifies as a full-service grocery store on a case-by-case basis. Mr. Woodson noted that the definition of a full-service grocery store should depend on the expectations of each community.

These proposed rules were originally adopted by the Board on January 16, 2013, by a five (5) to zero (0) vote. The Board gave thoughtful and measured consideration to the oral and written comments submitted by the various affected parties. In response to the testimony, the Board has amended the rulemaking in order to clarify the definition and to address concerns raised by the public. Notably, the Board includes frozen and canned foods as product categories, which are described in §§ 25-331(d) and 25-332(c). Additionally, the Board includes a definition of the term "selling area" to clarify that the space being measured under the rule includes the areas of the store open to the public, but does not include preparation areas, rest rooms, or storage facilities.

The Board retained the minimum square footage criteria it adopted in the first proposed rulemaking. The Board concludes that the square footage requirements ensure that the full-service grocery store designation will be applied consistently. In addition, providing minimum square footage requirements provides applicants with clear guidelines on how to comply with the full-service grocery store rules. Furthermore, the Board will allow applicants to qualify as a full-service grocery store by only selling six of seven qualifying products so that retailers can experiment with different business models.

The Board also finds that the legislative history of the full-service grocery store exception does not limit the exception to large grocery stores, such as Whole Foods, Safeway and Giant. Instead, the Board concludes that the Council created the rule primarily to attract all varieties of high-quality grocery stores to the District of Columbia. The Board does not find any intent on the part of the Council to exclude small businesses that operate as full-service grocery stores, or to provide large grocery stores with a competitive advantage over small full-service grocery stores.

Finally, the Board will apply this rule to all applications approved by the Board on or after January 14, 2013, the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012. The Board concludes that the intent of the Council in halting the issuance of Retailer's Class B Licenses was to ensure that no additional licenses would be approved until the Board crafted a definition that could be applied to all applications being considered by the Board for approval.

On April 10, 2013, the Board voted 5 to 0 to adopt the emergency and amended proposed rules.

As such, Title 23, ALCOHOLIC BEVERAGES, of the D.C. Municipal Regulations is amended as follows:

Chapter 1 PROVISIONS OF GENERAL APPLICABILITY is amended by adding the definition of a “full-service grocery store” after the definition of “Fact-finding hearing” in § 199, which shall read as follows:

“Full-service grocery store” –

- (A) A self-service retail establishment independently owned or part of a corporation operating a chain of retail establishments under the same trade name that:
 - (i) Is licensed as a grocery store under § 47-2827; and
 - (ii) Offers for sale a full line of food products that includes at least six (6) of the seven (7) following food categories:
 - (a) Fresh fruits and vegetables,
 - (b) Fresh and uncooked meats, poultry and seafood;
 - (c) Dairy products;
 - (d) Canned foods;
 - (e) Frozen foods;
 - (f) Dry groceries and baked goods; and
 - (g) Non-alcoholic beverages.
- (B) A “full-service grocery store” in subparagraph (A) may include related service departments, such as a bakery, pharmacy, or flower shop, as well as departments that offer household products and sundries.
- (C) A retail establishment shall meet the primary business and purpose standard described in Title 25 of the D.C. Official Code if (1) a minimum of fifty percent (50%) of the store’s square feet of selling area is dedicated to the sale of the food categories listed in (A)(ii) above; or (2) a minimum of six thousand (6,000) square feet of the store’s selling area is dedicated to the sale of the food categories listed in (A)(ii) above.
- (D) A retail establishment that meets either standard set forth in subparagraph (C) must also dedicate a minimum of five percent (5%) of the store’s selling area set aside for the sale of food items listed in subparagraph (A) to each of six (6) of the seven (7) food categories listed in subsection (A)(ii).

- (E) The term “selling area” means the area in a retail establishment that is open to the public and does not include storage areas, preparation areas, or rest rooms.
- (F) The definition of “full-service grocery store” contained in this subsection shall apply to license applications being considered by the Board for approval on or after January 14, 2013.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Washington, D.C. 20009. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

DEPARTMENT OF HEALTH CARE FINANCE**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2006 Repl. & 2012 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6) (2008 Repl.)) hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 903 of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled “Outpatient and Emergency Room Services.” The effect of these rules is to provide supplemental payments to hospitals located within the District of Columbia that participate in the Medicaid program for outpatient hospital services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries who are in need of outpatient hospital services. By taking emergency action, this proposed rule will ensure appropriate and needed payments to District hospitals and allow Medicaid beneficiaries access to needed outpatient medical services.

The corresponding amendment to the District of Columbia State Plan for Medical Assistance (“State Plan”) requires approval by the Council of the District of Columbia and the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). These rules shall become effective for outpatient hospital services provided by Medicaid participating hospitals located within the District of Columbia occurring on or after: (1) May 1, 2013, if the corresponding State Plan amendment has been approved by CMS with an effective date of May 1, 2013; or (2) the effective date established by CMS in its approval of the corresponding State Plan amendment. If approved, DHCF will publish a notice which sets forth the effective date of the rules.

The emergency rulemaking was adopted on April 4, 2013 and shall become effective for outpatient hospital services occurring on or after May 1, 2013. The emergency rules will remain in effect for one hundred and twenty days (120) or until August 1, 2013, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 903 (Outpatient and Emergency Room Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations DCMR is amended by adding the following new section:

903.6 Each eligible hospital shall receive a supplemental hospital access payment calculated as set forth below:

- (a) Except as provided in Subsection (c) and (e), for visits and services beginning May 1, 2013 and ending on September 30, 2014, additional quarterly access payments shall be made to each eligible hospital in an amount equal to each hospital's FY 2011 outpatient Medicaid payments divided by the total applicable hospital FY 2011 outpatient Medicaid payments multiplied by one quarter of the total outpatient private hospital access payment pool of \$41,025,417 minus \$250,000. The private hospital access payment pool shall be equal to the available spending room under the private hospital upper payment limit;
- (b) Applicable hospital FY 2011 outpatient Medicaid payments shall include all outpatient Medicaid payments to Medicaid participating hospitals located within the District of Columbia except for the United Medical Center;
- (c) In addition to the payment established in Subsection (a), all private children's hospitals with less than 150 beds located in the District of Columbia that participate in the Medicaid program shall receive an additional \$250,000 as an adjustment to the quarterly access payments;
- (d) In no instance shall a Disproportionate Share Hospital (DSH) hospital receive more in quarterly access payments than the hospital-specific DSH limit, as adjusted by the District in accordance with the District's State Plan for Medical Assistance (State Plan). Any private hospital quarterly access payments that would otherwise exceed the adjusted hospital-specific DSH limit shall be distributed to other qualifying private hospitals based on each hospital's FY 2011 outpatient Medicaid payments relative to the total qualifying private hospital FY 2011 outpatient Medicaid payments;
- (e) For visits and services beginning May 1, 2013, quarterly access payments shall be made to the United Medical Center. Each payment shall be equal to one quarter of the public hospital access payment pool amount of \$1,259,557. The public hospital access payment pool shall be equal to the lessor of the available spending room under the public hospital upper payment limit and the hospital-specific DSH limit as adjusted by the District in accordance with the State Plan; and
- (f) Payments shall be made 30 business days after the end of the quarter for the Medicaid visits and services rendered during that quarter.

903.99

Definitions

For purposes of this section, the following terms shall have the meanings ascribed.

Available spending room - The remaining room for outpatient hospital reimbursement that when combined with all other outpatient payments made under

the District's Medicaid State plan shall not exceed the allowable federal outpatient hospital upper payment limit specified in 42 CFR § 447.321.

Upper payment limit – The federal requirement limiting outpatient hospital Medicaid reimbursement to a reasonable estimate of the amount that would be paid for the services furnished by the group of facilities under Medicare payment principles consistent with 42 CFR § 447.321.

Disproportionate Share Hospital – A hospital located in the District of Columbia that meets the qualifications established pursuant to Section 1923(b) of the Social Security Act (42 U.S.C. § 1396r-4).

Hospital-specific DSH limit - The federal requirement limiting hospital disproportionate share hospital (DSH) payments to the uncompensated care of providing inpatient and outpatient hospital services to Medicaid and uninsured individuals, consistent with Section 8 of Attachment 4.19-A of the District's federally approved Medicaid State plan.

Eligible Hospital – A hospital located in the District of Columbia that participates in the District of Columbia Medicaid program.

Comments on these rules should be submitted in writing to Linda Elam, Ph.D., Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 899 North Capitol Street, NE, 6th Floor, Washington DC 20002; via telephone at (202) 442-9115; via email at DHCFPubliccomments@dc.gov; or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

REAL PROPERTY TAX APPEALS COMMISSION**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING**

The Real Property Tax Appeals Commission for the District of Columbia (Commission), pursuant to the authority set forth in D.C. Official Code § 47-825.01a(b)(2) (2012 Supp.), hereby gives notice of emergency and proposed rulemaking action to amend Chapter 20 (Board of Real Property Assessments and Appeals) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR). The rulemaking will repeal Chapter 20 in its entirety and replace it with a new Chapter 20 entitled “Real Property Tax Appeals Commission.” The rulemaking establishes Commission meeting and tax appeal hearing procedures.

The emergency rulemaking action is necessary to protect and promote the public welfare by creating procedures that will be immediately applied to real property tax appeals that will come before the Commission for the first time. Without the hearing procedures, members of the public and businesses seeking reconsideration of recent real property tax assessments will not have a procedure to obtain timely reconsideration of their assessments.

The first emergency rulemaking was adopted by the Commission on October 3, 2012, became effective immediately, and expired on February 6, 2013. Additionally, comments were received in response to the original proposed rulemaking that was promulgated at the time of the first emergency rulemaking.

This second emergency and proposed rulemaking supersedes the first Notice of Emergency and Proposed Rulemaking published at 59 DCR 13953 (November 30, 2012), and contains revisions in response to the comments received. The emergency rules were adopted by the Commission on March 13, 2013 and became effective immediately. The Commission must have rules in place during the re-publication of the second proposed rulemaking, the 30-day comment period, and the adoption of final rules.

The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on July 13, 2013, or upon adoption of the proposed rulemaking as final, whichever occurs first.

The Commission also hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 20 (Board of Real Property Assessments and Appeals) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) is repealed in its entirety.

A new Chapter 20 entitled “Real Property Tax Appeals Commission” is added to read as follows:

CHAPTER 20 – REAL PROPERTY TAX APPEALS COMMISSION

Secs.

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2000 GENERAL PROVISIONS

2000.1 The provisions of this chapter establish rules of organization and procedure for the Real Property Tax Appeals Commission for the District of Columbia (“Commission”), in accordance with the provisions of D.C. Official Code § 47-825.01a(b)(2)(2012 Supp.).

2001 MEETINGS AND QUORUM

2001.1 The Commission shall meet at least four (4) times annually for administrative matters.

2001.2 The Commission shall also meet:

- (a) As necessary to conduct its business.

- (b) As necessary after any special assessment that shall be generally applicable to a class of real property.
 - (c) In accordance with law to hear appeals regarding supplemental assessments made pursuant to D.C. Official Code § 47-829 (2012 Supp.).
- 2001.3 The Commission may be convened at any other time by the call of the Chairperson; provided, the Chairperson shall provide at least three (3) days notice to the Commissioners unless emergency circumstances necessitate a shorter notice.
- 2001.4 Meetings of the Commission shall be held at times agreed upon by its members or as directed by the Chairperson.
- 2001.5 The Commission shall publish notices of its meetings in the *District of Columbia Register* and on the Commission's website as early as possible before the meeting is scheduled to be held.
- 2001.6 A majority of the Commission shall constitute a quorum for the transaction of all Commission business.
- 2001.7 The Chairperson shall preside over each Commission meeting; provided, the Vice Chairperson shall, in the absence of or recusal of the Chairperson, preside over the Commission meeting.
- 2001.8 All meetings of the Commission shall be open to the public.
- 2001.9 Minutes shall be kept of each Commission meeting. The minutes shall record each action taken by the Commission, the names of those present and voting, and any other matter that the Chairperson may determine to be appropriate.
- 2001.10 Within a reasonable time after each Commission meeting, the minutes shall be posted on the website of the Commission and shall be made available to the public at the office of the Commission during normal business hours.

2002 MEMBERS AND STAFF

- 2002.1 All new Commissioners shall receive training in the various aspects of property valuation for all classes of property and orientation on the Commission's rules and regulations.
- 2002.2 The Commission staff shall:
 - (a) Maintain the calendar for the Commission and each Panel of the Commission;

- (b) Maintain a separate hearing file for each appeal coming before the Commission. Each file shall include:
 - (1) All correspondence pertinent to the appeal;
 - (2) Documents filed in the appeal, including exhibits;
 - (3) Notices of the Commission or Panel, including hearing notices; and
 - (4) Written determinations and decisions of the Commission or Panel; and
- (c) Perform such other duties as the Chairperson may require.

2003 PANEL ASSIGNMENTS, MEETINGS, AND DECISIONS

- 2003.1 Each appeal to the Commission shall be reviewed by a Panel of the Commission.
- 2003.2 Subject to the restrictions in this section and in § 2004, the Chairperson shall make all panel assignments.
- 2003.3 The Chairperson shall endeavor to create Panels with balanced expertise for the review and determination of appeals.
- 2003.4 Except as provided in § 2003.5 and § 2003.6, each Panel shall consist of three (3) Commissioners.
- 2003.5 A Panel may consist of two (2) Commissioners if the appellant and the Office of Tax and Revenue (OTR) agree to have the appeal heard before such a Panel.
- 2003.6 In the case of a single-family residential property or a noncommercial property assessed during the administrative review at three million dollars (\$3,000,000) or less (or under the notice of assessment if the administrative review is unavailable), the Chairperson shall appoint one (1) Commissioner, provided, that the Chairperson may at his or her discretion appoint a three (3) Commissioner Panel to hear such cases.
- 2003.7 No three (3) Commissioners shall serve exclusively together on the same panel for more than one (1) tax year.
- 2003.8 Each panel shall select a Panel Chairperson from among the members of that panel.
- 2003.9 Each Panel Chairperson shall preside over the Panel to which he or she is assigned.

2003.10 Decisions of a Panel shall be made by a majority of the members of the Panel; provided, a stipulation signed by OTR and the owner that resolves a matter may be approved by the signature of one (1) Commissioner. If a two (2)-member Panel is unable to reach a unanimous decision, the Chairperson shall reschedule the appeal before a three (3)-member Panel.

2003.11 Notwithstanding the requirements of this section, a stipulation signed by the OTR representative and the owner that resolves a matter may be approved by the signature of one (1) Commissioner appointed by the Chairperson to handle such matters.

2004 PROHIBITIONS ON COMMISSIONERS

2004.1 A Commissioner shall not review an appeal involving real property with which he or she has had any direct or indirect financial dealings in the two (2)-year period prior to the date of the filing date of the appeal, including the assessment, appraisal, purchase, sale, or rental of the property in question. In addition, a Commissioner shall not review an appeal for which the Commissioner has a direct or indirect interest.

2004.2 A Commissioner shall recuse himself or herself from participating in any hearing, discussion, vote, or appeal referred to in § 2004.1.

2004.3 The Chairperson may appoint a Commissioner to substitute for a member of a Panel who has recused himself or herself pursuant to § 2004.2.

2004.4 If an assertion is made that a member should recuse himself or herself as provided in § 2004.2 and the member refuses to do so, a majority of the other Panel members shall decide whether to remove the member from the hearing, discussion, vote, or appeal. If the Panel consists of two (2) members, or if the other Panel members of a three (3) member Panel are unable to reach a unanimous decision on the recusal, the Chairperson shall decide whether to remove the member from the hearing, discussion, vote, or appeal.

2004.5 A Commissioner shall not represent a client or business interest before the Commission for a period of two (2) years after that Commissioner's termination or resignation from the Commission.

2005 FILING OF A PETITION

2005.1 An owner within the definition of "owner" contained in D.C. Official Code § 47-802(5) (2012 Supp.), and hereinafter referred to as "petitioner," may appeal a proposed assessment, supplemental assessment, or classification for the upcoming tax year, or a decision on homestead, senior benefit eligibility, or any other determination on a matter under the jurisdiction of the Commission by filing a petition with the Commission in accordance with applicable law and this chapter.

- 2005.2 Except in the case of supplemental assessments (§ 2017.11 of this chapter) or as otherwise provided by law, all appeals of Notices of Final Determination issued by OTR or the Department of Consumer and Regulatory Affairs (DCRA) must be filed no later than forty-five (45) days after the date of the Notice.
- 2005.3 In any case in which an appeal involves a multiple-lot property, a separate petition shall be filed for each lot.
- 2005.4 The Commission may combine hearings on multiple petitions.
- 2005.5 A petition shall be filed by hand delivery or mailing by first class mail of an original petition with four (4) photocopies of the original to the Commission at 441 Fourth Street, N.W., Room 360N, Washington, DC 20001.
- 2005.6 Each petition shall be on a form prescribed by the Commission and shall contain all of the information requested. At a minimum, the petition form shall require the following information:
- (a) The property owner's name, address, and telephone number;
 - (b) If the petitioner is not the owner, the petitioner's name, address, and telephone number;
 - (c) The basis on which the petitioner qualifies to file the petition (for example: owner, person legally or contractually obligated to pay the taxes, or duly authorized representative); if petitioner is an agent, or an attorney, filing a petition on behalf of an owner, the petitioner must file a notarized agent authorization form, made available by the Commission, with the petition.
 - (d) An accurate identification of the property in question by its legal description (square and lot number);
 - (e) A statement of the basis for the appeal and supporting documentation; and
 - (f) The petitioner's estimated market value of the property in question, as estimated market value is defined in D.C. Official Code § 47-802(4) (2012 Supp.), together with a statement of the basis for that estimate.
- 2005.7 The petitioner shall file with the petition all information and evidence in support of his or her petition which exists at the time the petition is filed, including OTR's final decision and response given to the petitioner.
- 2005.8 If the property in question has been improved within two (2) years before the assessment date by new construction, remodeling, or rehabilitation, the petitioner

shall submit a complete and detailed schedule of the actual costs of the improvement(s) with the petition.

- 2005.9 If the property is rented, the petitioner shall submit with the petition a schedule of income and expenses for each of the two (2) most recent calendar or fiscal years certified by the property manager or owner as being true and correct to the best of his or her knowledge and belief.
- 2005.10 The petition shall be certified by the petitioner as being true and correct to the best of the petitioner's knowledge and belief.

2006 SUPPLEMENTAL ASSESSMENTS

- 2006.1 Any owner aggrieved by a final determination made on an administrative review may appeal the supplemental assessment to the Real Property Tax Appeals Commission for the District of Columbia within forty-five (45) days from the date of a notice of a final determination on an administrative review. The Real Property Tax Appeals Commission for the District of Columbia shall hear an appeal of the supplemental assessment only if a request for an administrative review was timely filed with the Mayor. All notices of final determination shall be accompanied by assessor's worksheets indicating the rationale for the determination, if the assessment is raised or lowered.
- 2006.2 No administrative review shall be required before an owner may appeal to the Real Property Tax Appeals Commission for the District of Columbia a supplemental assessment conducted between January 1 and June 30 if:
- (a) The Mayor fails to notify the owner of the supplemental assessment on or before September 1; or
 - (b) The Mayor fails to notify the owner of a final determination on an administrative review of the supplemental assessment on or before December 30 following the date of the notice of supplemental assessment.
- 2006.3 Under the circumstance described in Subsection 2006.2, the owner may appeal the supplemental assessment to the Real Property Tax Appeals Commission for the District of Columbia on or before February 1 without first petitioning for an administrative review of the supplemental assessment.
- 2006.4 No administrative review shall be required before an owner may appeal to the Real Property Tax Appeals Commission for the District of Columbia a supplemental assessment conducted between July 1 and December 31 if:
- (a) The Mayor fails to provide notice of the supplemental assessment on or before March 1; or

(b) The Mayor fails to notify the owner of a final determination on an administrative review of the supplemental assessment on or before June 30.

2006.5 Under the circumstances described in Subsection 2006.4, the owner may appeal the supplemental assessment to the Real Property Tax Appeals Commission for the District of Columbia on or before August 1 without first petitioning for an administrative review of the supplemental assessment.

2006.6 A written notice of each decision, along with the decision itself, shall be sent to each party by first class mail or electronic mail within five (5) business days after the decision is issued.

2006.7 The notice of the decision shall include the following text:

“The petitioner has the right to appeal an adverse decision of the Commission to the Tax Division of the Superior Court of the District of Columbia. Payment of all real property taxes, together with interest and penalties (if applicable), *before the filing of a petition in the Tax Division of the Superior Court, is a jurisdictional prerequisite to the appeal.*”

2006.8 Every decision of the Commission shall be maintained by the Commission for three (3) years and shall be made available for public examination and photocopying at the expense of the requester, subject to the confidentiality provisions of D.C. Official Code § 47-821(d)(2)(A) and (B) (2012 Supp.).

2006.9 Each decision of the Commission shall also be placed on the website of the Commission, subject to redactions based on the confidentiality provisions of D.C. Official Code § 47-821(d)(2)(A) and (B) (2012 Supp.).

2007 ASSIGNMENT OF PETITION; SCHEDULING OF HEARING

2007.1 An incomplete or improperly filed petition shall be returned to the petitioner with an explanation of the reason for its return.

2007.2 Each complete and properly filed petition shall be assigned to a Panel.

2007.3 After assignment of a petition to a Panel, the Commission Chairperson shall schedule a hearing date.

2008 SUPPLEMENTAL PETITION

2008.1 An original petition may be augmented by a supplemental filing with OTR and the Commission if the supplemental filing is filed no later than twenty (20) days after the filing of the appeal, and if it is based on new information which was not available prior to the filing deadline for the original petition.

2009 NOTIFICATION TO OTR; OTR'S RESPONSE

- 2009.1 At least thirty (30) days before a scheduled (or rescheduled) hearing, the Commission shall provide OTR by hand or electronic delivery a copy of the petition (and/or supplemental petition) together with all attached documents relating to the appeal and the hearing notice.
- 2009.2 Except as provided in § 2009.4, OTR shall file a response to the petition with the Commission at least seven (7) days before the scheduled hearing or at least ten (10) days before the scheduled hearing in a case involving single-family residential property.
- 2009.3 In a case involving a single-family residential property, OTR shall send the response electronically or by postal mail to the petitioner at least ten (10) days before the hearing. In other cases, OTR shall make the response available to the petitioner for inspection and copying at least seven (7) days before the hearing.
- 2009.4 OTR need not respond to the petition if its worksheet was mailed to the petitioner with the Notice of Final Determination (“Notice”) or if the Notice affirmed the proposed assessment. In such cases, the worksheet shall be deemed the response of OTR and the response shall not be required to be filed by OTR with the Commission before the hearing.
- 2009.5 If the proposed assessment is amended by OTR, the amended assessment must be filed with the Commission by the time set forth in § 2009.2 and must be sent or made available to the petitioner in the same manner and in the same time frame as set forth in § 2009.3.
- 2009.6 Appeals of Notices of Final Determination by the Department of Regulatory and Consumer Affairs (DCRA) issued pursuant to D.C. Official Code §§ 42-3131.15 (2012 Supp.) or a Notice of Final Determination by DCRA issued under D.C. Official Code § 47-813(d-1)(4)(A) (2012 Supp.) shall be made in accordance with applicable law with DCRA as the responsible agency, and any supplemental filing shall be provided to the Commission and to DCRA. A response from DCRA shall be available for inspection at least seven (7) days before the scheduled hearing, and DCRA shall have the authority to make any redeterminations of vacancy and blight and any reclassifications that may be necessary to correct a substantial error that would cause an injustice to the owner for the immediately succeeding, current, or preceding three (3) tax years. Any amended response by DCRA must comply with the time schedule specified in this paragraph.
- 2009.7 The Commission shall render a decision on DCRA appeals within one hundred twenty (120) days of the filing of a petition challenging a final determination.

2010 PETITIONER'S REBUTTAL

- 2010.1 A petitioner may submit a rebuttal to any new evidence submitted by OTR in its response to the appeal (and any supplement thereto) that was not previously raised during the administrative review, and the Panel may request additional information it considers necessary.
- 2010.2 A petitioner may submit a rebuttal to any new evidence submitted by OTR in its response to the appeal (and any supplement thereto) that was not previously raised during the administrative review, and the Panel may request additional information it considers necessary, so long as the rebuttal is submitted in writing to OTR and to the Commission at least three (3) business days before the scheduled hearing.
- 2010.3 Notwithstanding the requirements in § 2010.2, the Commission may, upon a showing of good cause by the Petitioner as to why the requirements of § 2010.2 could not be met, allow rebuttal evidence to be submitted and may allow the record to remain open for a specified period of time to allow a response from OTR.

2011 HEARING NOTICES

- 2011.1 An owner may supplement the original filing if new information has become available that was not available prior to the filing deadline by delivering a copy of the supplemental filing to the Commission and OTR no later than twenty (20) days after the filing of the appeal; provided, that a hearing shall not occur within twenty (20) days from the date of the delivery of the supplemental filing.
- 2011.2 If the limitations on the time for the Commission to conduct hearings do not permit the thirty (30)-day advance notification provided in § 2011.1, then the petitioner and OTR may be notified electronically, by telephone or by personal service. Under these circumstances a memorandum shall be placed in the file for the petition in question stating the method of notification and to whom and by whom the notification was given.
- 2011.3 Each notice of a hearing shall state the date, time, and place of the hearing and shall be sent by first class mail, electronic mail or hand delivery to the petitioner's address as shown on the petition and to OTR at 1101 4th Street, S.W., 5th Floor, Washington, DC 20024.

2012 FAILURE TO APPEAR FOR A HEARING AND CONTINUANCES

- 2012.1 If the Panel Chairperson ascertains that the petitioner or a representative of OTR is not present for an appeal hearing and that notice was properly served on the petitioner or OTR, as the case may be, then the Commission may proceed with the determination of the appeal, summon the representative of OTR or the petitioner, or reschedule the hearing.

2012.2 If the Panel Chairperson ascertains that the petitioner or the Representative of OTR is not present for an appeal hearing and that notice was not or may not have been properly served on the petitioner or OTR, as the case may be, then the Panel Chairperson shall reschedule the appeal and properly serve notice of the rescheduled hearing on the petitioner and on the OTR.

2012.3 A hearing may be continued to any timely date by the Chairperson or Panel Chairperson at the request of the petitioner or the Deputy Chief Financial Officer upon a showing of good cause.

2013 BURDEN OF PROOF

2013.1 In an appeal, the proposed assessed value or classification of the subject property shall be presumed to be correct, and the petitioner has the burden of demonstrating that the assessment does not represent the estimated market value of the property or that the challenged classification of the property is erroneous.

2014 HEARING PROCEDURES

2014.1 All hearings shall be open to the public, except that the Panel Chairperson shall close any hearing or part of a hearing to the public when the evidence to be presented is accorded confidentiality under D.C. Official Code § 47-821(d)(2)(A) and (B) (2012 Supp.), or any other statutory provision.

2014.2 The petitioner may appear at the hearing in person, or represented by a duly authorized officer, employee, agent, or counsel.

2014.3 Statements or representations made by any duly authorized representative of the petitioner shall be binding upon the petitioner.

2014.4 The members of the Panel may question the petitioner, the Deputy Chief Financial Officer, and any witnesses called upon to testify at the hearing and may allow the petitioner and the Deputy Chief Financial Officer to question each other directly.

2014.5 The Chairperson, in his or her discretion, may allow a party to examine witnesses.

2014.6 Evidence which is not ordinarily admissible in court under generally accepted rules of evidence may be received in evidence at the discretion of the Panel Chairperson.

2014.7 The Panel Chairperson may exclude any evidence which he or she deems to be irrelevant, immaterial, unduly repetitious, or cumulative.

2014.8 Any information or evidence required by § 2005 to be submitted by the petitioner with the petition and not submitted shall not be considered by the Commission except in the discretion of the Commission.

2014.9 Any response by OTR to an appeal which is not made available for inspection and copying by the petitioner at least seven (7) days before the hearing shall be excluded by the Commission at the hearing. Any evidence in cases involving single-family homes which is not sent electronically or mailed to the petitioner by the OTR at least ten (10) days before the hearing shall be excluded by the Commission at the hearing.

2014.10 At the conclusion of the hearing, the Panel Chairperson shall advise the parties that the Panel will weigh the evidence and render a decision within the time limits provided by statute. The Panel may leave the record open to receive additional materials from the parties.

2015 WITNESSES

2015.1 The Panel Chairperson may compel the attendance of witnesses at a hearing, administer oaths or affirmations, and examine appellants and other witnesses under oath.

2015.2 Notice shall be provided to the petitioner and to OTR of any summons by the Panel Chairperson of a witness related to an appeal.

2015.3 Fees for witnesses summoned by the Commission shall be paid out of funds available to the Commission at the rate allowed in civil actions before the Superior Court of the District of Columbia.

2015.4 The petitioner or OTR’s representative may call witnesses to provide testimony at a hearing, subject to such limitations as may be imposed by the Panel.

2015.5 Fees for witnesses called by the petitioner or OTR’s representative shall be paid by the party calling the witness.

2016 PROHIBITION ON EX PARTE COMMUNICATION

2016.1 Neither the petitioner nor OTR, nor a representative of either party, shall communicate with any Commissioner concerning a specific appeal except by written communication served on the other party, but Commissioners may communicate with either party regarding routine administrative matters which do not involve material facts in dispute relevant to a specific appeal.

2017 FIELD STUDIES

2017.1 A Panel may adjourn a hearing until a field study can be completed and resume that hearing at a later date for presentation of the study.

- 2017.2 The Panel shall give the petitioner and the Deputy Chief Financial Officer reasonable advance notice of any field inspection so that the petitioner and the OTR representative may attend.
- 2017.3 A Panel may condition a petitioner's right to maintain an appeal upon the petitioner's allowance of an interior and/or exterior inspection of the property in question. The Panel may dismiss an appeal if the petitioner does not allow such an inspection.
- 2017.4 A copy of a field study or report prepared at the direction of the Commission shall be mailed or hand delivered to the petitioner and OTR (if the field study was not conducted by OTR) on the same day that it is mailed or hand delivered to the Commission.

2018 APPEAL DECISIONS AND NOTICES OF DECISIONS

- 2018.1 Each appeal decision shall be based upon consideration of the entire record described in § 2020 of this chapter or such lesser portion of the record as may be agreed upon by the petitioner and the Deputy Chief Financial Officer, and approved by the Panel.
- 2018.2 Each valuation decision shall include the Panel's determination of the estimated market value of the real property for the applicable tax year.
- 2018.3 The Panel shall raise or lower the proposed assessment of any real property for which a petition has been properly filed that it finds to be more than five percent (5%) above or below the estimated market value of that property, except in the case of plain error. In the case of plain error, the assessment shall be clerically corrected.
- 2018.4 A Panel shall not order an increase of the assessed value of any parcel of real property above its estimated market value or a decrease of the assessed value of any parcel of real property below its estimated market value solely on the basis of average ratio studies comparing sales and assessments, unless the studies are the primary basis for the assessment or reassessment of the concerned real property in question.
- 2018.5 A Panel decision shall include an allocation of total assessed value between the improvements, if any, and the land.
- 2018.6 In arriving at its determination, the Panel shall consider the evidence in light of generally accepted principles of valuation and shall take into consideration principles of equalization of assessments of the same or substantially similar properties.

- 2018.7 The Panel shall accept any stipulation entered into by the petitioner and OTR which has been forwarded to the Commission and which disposes of an appeal, if the Panel is satisfied that the stipulation was agreed to knowingly and voluntarily by both parties.
- 2018.8 Every decision by the Panel shall contain a detailed written statement of the basis for the decision.
- 2018.9 Every decision by a Panel shall be signed by each member who participated in the decision and shall indicate whether each participating member agreed with or dissented from the decision.
- 2018.10 In the case of an appeal of an annual proposed assessment, a Panel shall render its decision and notify the petitioner and OTR within thirty (30) days in the case of a residential real property appeal and eighty (80) days in the case of a commercial real property appeal.

2019 APPEAL REHEARINGS

- 2019.1 Within fifteen (15) days after the date on which the Commission transmits the Panel's decision, the petitioner or OTR, by written notice served on the Chairperson and the opposing party, may request a rehearing.
- 2019.2 The Commission may, in its discretion, either agree to rehear the appeal or reject the request to rehear the appeal. If a rehearing is granted, the Commission shall mail or email its decision to grant a rehearing and the date of the proposed rehearing to the Office of Tax and Revenue and to the Petitioner(s). The non-requesting part shall have ten (10) days from the date of the rehearing notice to serve its response to the rehearing notice on the Commission and the requesting party.
- 2019.3 A rehearing shall be granted as a matter of right if the decision of an appeal changes the proposed assessed value of a real property, excluding single-family residential real property, by at least twenty percent (20%) or ten million dollars (\$10,000,000), whichever is less.
- 2019.4 In the case of a rehearing, a three (3)-Commissioner Panel shall be convened, consisting of the Chairperson, the Vice-Chairperson, and a Commissioner who was a member of the Panel that heard the underlying appeal.
- 2019.5 A rehearing shall not be a hearing *de novo* but instead shall be considered a continuation of the original hearing before the Commission.
- 2019.6 No Panel decision shall be changed upon rehearing except upon a finding of plain error. The burden of proof shall be upon the moving party to demonstrate plain error.

2020 APPEAL HEARING RECORDS AND TRANSCRIPTS

- 2020.1 A recording shall be kept of all appeal hearings and rehearings.
- 2020.2 The official record of an appeal shall consist of the recording, the testimony, and all documents, schedules, letters, appraisals, maps, charts, lists of comparable properties, exhibits, papers, and other materials filed in the proceeding.
- 2020.3 At the request of the petitioner or of the OTR, the Commission shall deliver to the requesting party a copy of the recording or a written transcript of such recording.
- 2020.4 The cost of preparing a copy of the recording or a written transcript of a recording or any other part of the official record shall be borne by the requesting party.
- 2020.5 If a written transcript of a recording is prepared at the request of a party, a copy of the transcript shall be sent to the Commission by the requesting party.
- 2020.6 Except in accordance with procedures established by the Chairperson, the hearing file shall not be removed from the offices of the Commission for any reason.

2021 APPEALS OF COMMISSION DECISIONS

2021. 1 Except as provided in D.C. Official Code § 47-830 (2012 Supp.), the petitioner may appeal a decision of the Commission to the Tax Division of the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Official Code §§ 47-3303 and 47-3304 (2005 Repl.), by September 30 of the tax year except as otherwise provided by law.

2022 ANNUAL REPORT

- 2022.1 By October 1 of the next succeeding tax year, the Commission shall present to the Council and the Mayor a report on its operations for the tax year.
- 2022.2 The report shall include the following:
- (a) The total number of appeals decided by the Commission;
 - (b) A breakdown of appeals decided by class of property as those classes are defined in D.C. Official Code § 47-813 (2012 Supp.), stating the following for each class:
 - (1) The total number of assessments sustained;
 - (2) The total number of assessments increased;
 - (3) The total number of assessments decreased;

- (4) The percentage of the increased, decreased, and sustained assessments;
 - (5) The gain and loss in assessed value;
 - (6) The revenue gain to the District as a result of the increases by the tax year;
 - (7) The total revenue loss as a result of the decreases by the tax year; and
 - (8) The total net revenue impact as a result of the Commission's decisions;
- (c) An analysis of the Commission’s operations for the year, including identification of any problems and recommendations for dealing with those problems; and
 - (d) A listing of the number of hours worked, and the total amount of compensation paid, for each member.

2023 COMPUTATION OF TIME

2023.1 When the last day prescribed by these rules for performing any act falls on a Saturday, Sunday, or legal holiday, the performance of the act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

2023.2 The term “legal holiday” means a legal holiday in the District of Columbia.

2099 DEFINITIONS

2099.1 When used in this chapter, the following words and phrases shall have the meaning ascribed to them below:

Commission - the Real Property Tax Appeals Commission for the District of Columbia.

Commissioner - a member of the Commission.

Chairperson – the Commissioner appointed by the Mayor, with the advice and consent of the Council, as the chairperson of the Commission.

Council - the Council of the District of Columbia.

Deputy Chief Financial Officer - the Deputy Chief Financial Officer of the District of Columbia for the Office of Tax and Revenue or the Deputy Chief

Financial Officer's duly appointed or authorized agent, designee, or representative.

Mayor - the Mayor of the District of Columbia or his or her designated agent.

OTR - the District of Columbia's Office of Tax and Revenue.

Panel - refers to a panel consisting of two (2) or three (3) Commissioners, as provided in this chapter, who are authorized to hear, review, and decide real property assessment appeals as provided under D.C. Official Code § 47-825.01a(c)(1)(A) (2012 Supp.).

Panel Chairperson - the Commissioner chosen by a Panel to preside over a hearing.

Petitioner - the property owner or the individual or entity legally or contractually obligated to pay the real property taxes on the subject property of a petition for the period in question, or the duly authorized agent, designee, or representative of such person or entity.

Square and Lot - the legal description of the property identified by plat on the records of the District of Columbia Surveyor.

Tax year – the period beginning October 1 each year and ending September 30 each succeeding year.

Copies of the Notice of Second Emergency and Proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Carlynn Fuller Jenkins, Executive Director, Real Property Tax Appeals Commission, 441 4th Street, N.W. Suite 360N, Washington, D.C. 20001. All persons desiring to file comment on the Second Emergency and Proposed rulemaking should submit written comments via email to carlynn.fuller@dc.gov or by postal mail or hand delivery to the Real Property Tax Appeals Commission, 441 4th Street, N.W., Suite 360N, Washington, D.C. 20001, Attn: Carlynn Fuller Jenkins, Executive Director, not later than thirty (30) days after publication of this notice in the *D.C. Register*.

WASHINGTON CONVENTION AND SPORTS AUTHORITY**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Board of Directors of the Washington Convention and Sports Authority (Authority), pursuant to Section 203 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.03(3) and (6) (2008 Repl.; 2012 Supp.)), as amended by the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 10-1201.01 *et seq.* (2008 Repl.; 2012 Supp.)) (the Act), hereby gives notice of its adoption, on an emergency basis, of the following amendment to Chapter 4 (“Washington Convention Center: Bookings”) of Title 19 (“Amusements, Parks, and Recreation”) of the District of Columbia Municipal Regulations.

The amendment would permit the Authority to book non-convention events (as defined in Chapter 4) at the Walter E. Washington Convention Center up to twenty-four months prior to the event date. The existing regulations permit the Authority to book such events only up to eighteen months prior to the event date, thereby limiting the Authority’s ability to attract, book and promote trade shows, conventions, concerts, sporting and entertainment events, sports teams, recreational events, film and television productions and other events to the District in accordance with its statutory public purpose. The amendment would also correct various inaccuracies in the regulations. Issuance of the rules on an emergency basis is necessary and essential to protect and preserve the economic welfare of the District.

The emergency rules were adopted on April 11, 2013 and shall remain in effect until August 10, 2013 unless superseded by another rulemaking notice. The Authority also gives notice of its intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 4 (“Washington Convention Center Authority: Bookings”) of Title 19 (“Amusements, Parks, and Recreation”) of the District of Columbia Municipal Regulations (DCMR) is amended as follows:

The title of Chapter 4 is amended to read as follows:

**CHAPTER 4 WASHINGTON CONVENTION AND SPORTS AUTHORITY:
BOOKINGS**

Sections 401-499 are amended to read as follows:

**CHAPTER 4 WASHINGTON CONVENTION AND SPORTS AUTHORITY:
BOOKINGS**

400 BOOKING POLICY

400.1 The key objective of the Washington Convention and Sports Authority (the Authority) is to serve as a generator of convention, meetings, sports and

entertainment and special event dollars brought into the District of Columbia and to effectuate the purposes prescribed by D.C. Official Code § 10-1202.02 *et seq.*

400.2 First priority in booking events at the Walter E. Washington Convention Center shall be given to convention events.

400.3 Nothing in this chapter shall prohibit the Authority from booking events of any kind at any time at any other venue under the Authority's ownership, control or management,

401 PRIMARY CONTRACTOR FOR CONVENTION EVENTS AT THE CONVENTION CENTER

401.1 The Washington, DC Convention and Tourism Corporation t/a Destination DC ("Destination DC") shall be the Authority's primary contractor for booking convention events at the Convention Center.

401.2 As the Authority's primary contractor for convention events at the Convention Center, Destination DC shall negotiate tentative arrangements with customers, including the following:

- (a) Reservation of dates;
- (b) Committing of specific areas in the Convention Center; and
- (c) Quoting of current rental rates.

401.3 Destination DC shall not assign or reserve areas of the Convention Center designated for retail sales or areas designated as common spaces (other than registration areas specified by the Authority).

401.4 Destination DC shall include in each letter of intent, confirmation letter or agreement negotiated with a customer for space in the Convention Center, a clause in bold type in a prominent location stating the following:

All terms herein are contingent upon the written approval of the Washington Convention and Sports Authority.

402 BOOKING OF EVENTS BY THE AUTHORITY

402.1 The Authority may book a non-convention event on its own behalf up to twenty-four (24) months before the date of the event without prior notice to Destination DC. The Authority may not, however, book a non-convention event to be held at the Convention Center more than twenty-four months before the date of the event without first providing notice to, and consulting with, Destination DC.

402.2 To ensure that convention event reservations for events to be held in the Convention Center are given first priority, the Authority shall not assign a date to a non-convention event to be held in the Convention Center if, prior to the booking of that event, the Authority has received written notice from Destination DC that it is in active negotiations to reserve that date for a convention event.

403 CONTRACT APPROVAL

403.1 The President and Chief Executive Officer or designee shall be the final approving authority for all bookings, whether negotiated by Destination DC or by the Authority.

404 ESTABLISHMENT OF RATES

404.1 The Authority shall develop a rental rate schedule for all events booked at its venues.

404.2 The rate schedule, and any amendments to the schedule, shall be subject to approval by the President and Chief Executive Officer.

404.3 The President and Chief Executive Officer may in his discretion charge agencies of the District government a rate equal to one-half the published rental rate.

405 POLITICAL AND COMMUNITY EVENTS

405.1 The facilities and resources of the Authority shall not be used to provide any contribution, whether direct or indirect, cash or in-kind, to any political party, political committee, candidate, or constituent services program.

405.2 The facilities and resources of the Authority shall not be used for any event (other than a convention event) of which a political party, political committee, candidate or constituent services program is the host, organizer, or beneficiary, unless the rate to be paid for the event is at least equal to the rate paid by for-profit clients for comparable events, but in no event less than the cost to the Authority for holding the event.

405.3 The terms “political party”, “political committee”, “candidate”, and “constituent services program” as used in this section shall have the meanings ascribed to them by the election laws of the District of Columbia at D.C. Official Code §§ 1-1101 *et seq* and 1-1104 *et seq*.

405.4 Except as prohibited by Sections 405.1 and 405.2 of this chapter, the facilities and resources of the Authority may be used to provide direct or indirect support for community-related non-profit events, whether charitable or governmental.

- 405.5 Before the Authority provides support for any community-related non-profit event pursuant to Section 405.4, the President and Chief Executive Officer or designee shall determine in writing that the amount and terms of such support further the mission of the Authority, for example, by enhancing its ability to attract convention event, sports, entertainment and special event bookings or by promoting essential community relations.
- 405.6 Except as prohibited by Sections 405.1 and 405.2, the resources of the Authority may be used to purchase tickets to community-related events and other events at the Authority's venues for distribution at less than the Authority's purchase price to public officials or other persons who do business with the Authority.
- 405.7 Before the Authority purchases or distributes tickets pursuant to Section 405.6, the General Counsel shall determine in writing that such purchase or distribution does not violate the laws of the United States or the District of Columbia.

499 DEFINITIONS

When used in this chapter the following words shall have the following meanings:

Authority - the Washington Convention and Sports Authority.

Board of Directors – the Board of Directors of the Authority.

Convention Center - the Walter E. Washington Convention Center located at 801 Mount Vernon Place, NW, Washington, DC.

Convention event - an event for which a reservation of space at the Convention Center includes a commitment to purchase at least 2,500 peak room nights in hotels within the District of Columbia, as determined by Destination DC.

First priority - a “Convention event” as defined in this section.

Fourth priority - a Non-convention event for which a reservation of space at the Convention Center may or may not include a commitment to purchase room nights in hotels within the District of Columbia and which describes a one-day meeting or assembly.

Non-convention event - an event other than a Convention event for which a reservation of space at the Convention Center may or may not include a commitment to purchase room nights in hotels within the District of Columbia and which describes a second, third or fourth priority booking.

President and Chief Executive Officer – the President and Chief Executive Officer of the Authority.

Second priority - a Non-convention event for which a reservation of space at the Convention Center may or may not include a commitment to purchase room nights in hotels within the District of Columbia and which describes a public consumer show, tradeshow or similar assembly.

Third priority - a Non-convention event for which a reservation of space at the Convention Center may or may not include a commitment to purchase room nights in hotels within the District of Columbia and which describes a local or regional multiple day meeting or assembly.

Any person 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 the Office of the General Counsel, Washington Convention and Sports Authority, Walter E. Washington Convention Center, 801 Mount Vernon Place, N.W., Washington, D.C. 20001. Copies of this notice may be obtained by writing to the foregoing address, by sending an e-mail to rsmith@eventsdc.com, or by calling the Office of the General Counsel at 202-249-3000.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-076
April 19, 2013

SUBJECT: Appointment – District of Columbia Police Officers Standards and Training 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 sections 204(b) and 204(h) of the Metropolitan Police Department Application, Appointment and Training Requirements Act of 2000, effective October 4, 2000, D.C. Law 13-160, D.C. Official Code §§ 5-107.03(b) and 5-107.03(h) (2008 Repl.), it is hereby **ORDERED** that:

1. **PAUL QUANDER** is designated as Chairperson of the District of Columbia Police Officers Standards and Training Board (hereinafter referred to as "Board"), and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become 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 2013-077
April 19, 2013

SUBJECT: Appointment – District of Columbia 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. **TONY PILLAI** is appointed to the District of Columbia Health Information Exchange Policy Board as the designee representative of the Office of the Chief Technology Officer, replacing David S. Bishop, to serve while employed in his official position and at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become 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 2013-078
April 19, 2013

SUBJECT: Appointments – Commission on African-American Affairs

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 2 of the Commission on African-American Affairs Establishment Act of 2012, effective March 14, 2012, D.C. Law 19-106, D.C. Official Code § 3-1441 *et seq.* (2012 Supp.), which established the Commission on African-American Affairs (“Commission”), it is hereby **ORDERED** that:

1. **WILLIAM HOWLAND**, as Director of the Department of Public Works, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
2. **NIKOL NABORS-JACKSON**, as the designee of the Director of the Department of Human Services, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
3. **DR. SAUL LEVIN**, as Director of the Department of Health, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
4. **KENNETH ELLERBE**, as Chief of the Department of Fire and Emergency Medical Services, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
5. **JESUS AGUIRRE**, as Director of the Department of Parks and Recreation, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
6. **MICHAEL KELLY**, as Director of the Department of Housing and Community Development, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.

7. **RABBIAH SABBAKHAN**, as the designee of the Director of the Department of Consumer and Regulatory Affairs, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
8. **BURNELL HOLLAND**, as the designee of the Chancellor of the District of Columbia Public Schools, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
9. **RAHSAAN COEFIELD**, as the designee of the Director of the Department of Employment Services, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
10. **INSPECTOR DAVID TAYLOR**, as the designee of the Chief of the Metropolitan Police Department, is appointed as an *ex officio* member of the Commission, and shall serve in that capacity at the pleasure of the Mayor.
11. **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 2013-079
April 19, 2013

SUBJECT: Appointments – District of Columbia Commission for National and Community Service

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 National and Community Service Trust Act of 1993, approved September 21, 1993, Pub. L. 103-82 and Mayor's Order 2000-113, dated July 21, 2000, it is hereby **ORDERED** that:

1. The following persons are appointed, as members, and representatives of business entities, of the District of Columbia, to the District of Columbia Commission for National and Community Service (hereinafter referred to as "Commission") to complete the remainder of an unexpired term to end July 31, 2014:


TONY LYNN MILES-MALONEY
NICHOLAS VILELLE

2. **ALAYNA BUCKNER** is appointed, as a member, and a representative of an entity that receives assistance under the Domestic Volunteer Service Act of 1973, of the Commission, to complete the remainder of an unexpired term to end July 31, 2013.
3. **RYAN WASHINGTON** is appointed, as a member, and as an individual between 16 and 25 who participates or supervises in volunteer or youth service programs, of the Commission, to complete the remainder of an unexpired term to end July 31, 2013.
5. **JOSHUA JOHNSON** is appointed, as a member, and a local educator, of the Commission, to complete the remainder of an unexpired term to end January 31, 2014.
6. **MARLENE ZAKAI** is appointed, as a member, and a representative of a faith-based community, of the Commission, to complete the remainder of an unexpired term to end July 31, 2015.

7. **GAIL OLIVER** is appointed, as a member, and an individual with expertise in the educational, training and developmental needs of youth, particularly disadvantaged youth, of the Commission, to complete the remainder of an unexpired term to end July 31, 2014.
8. **AMY COHEN** is appointed, as a member, and a representative from an institution of higher education in the District of Columbia, of the Commission, to complete the remainder of an unexpired term to end July 31, 2014.
9. **RICKY CREECH** is appointed, as a member, and a representative from the faith-based community in the District of Columbia, of the Commission, to complete the remainder of an unexpired term to end July 31, 2014.
10. **DY BROWN** is appointed, as a member, and a representative of a community-based organization in the District of Columbia, of the Commission, to complete the remainder of an unexpired term to end July 31, 2014.
11. **GLORIA NAUDEN** is reappointed, as a member, and a representative of a business entity of the District of Columbia, to the Commission, to complete the remainder of an unexpired term to end July 31, 2013.
12. **EFFECTIVE DATE:** This Order shall become 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 2013-080
April 22, 2013

SUBJECT: Appointment and Amendment – District of Columbia Commission for National and Community Service

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 National and Community Service Trust Act of 1993, approved September 21, 1993, Pub. L. 103-82 and Mayor's Order 2000-113, dated July 21, 2000, it is hereby **ORDERED** that:

1. **JACQUELINE A. NORRIS** is appointed, as a member, and a representative of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*), of the District of Columbia Commission for National and Community Service, to complete the remainder of an unexpired term to end July 31, 2014.


2. Mayor's Order 2013-079, dated April 19, 2013, section 5 is amended, in part, and shall read as follows:

JOSHUA JOHNSON is appointed, as a member, and a local educator, of the Commission, to complete the remainder of an unexpired term to end July 31, 2014.

3. **EFFECTIVE DATE:** This Order shall become 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
LICENSE CANCELLATIONS

WEDNESDAY, MAY 1, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Letter dated March 25, 2013, from Stephen O'Brien, Esq. on behalf of **1st & Fresh T/A 1st & Fresh**, License No. 800808, requesting non-renewal of Caterer's License. 1329 Kenilworth Avenue, NE.
2. Review of Letter dated March 28, 2013, from Charles LaFrano, CFO, **Culinaire International, Inc. T/A Culinaire International**, License No. 089360, requesting non-renewal of Caterer's License. 1225 1st Street, NE.
3. Review of Letter dated March 28, 2013, from Teri Van Goethem, Owner, **DC Board and Bread LLC T/A DC Bread & Brew**, License No. 079660, requesting non-renewal of Caterer's License. 1247 20th Street, NW.
4. Review of Letter dated April 22, 2013, from Paul Pascal, Esq. on behalf of **U.S.A. Liquor, Inc. T/A H Street Liquor** turning in license and requesting that it be cancelled. License No. 060595, Retailer's Class A, 303 H Street, NE.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
ORDERS TO CEASE & DESIST

WEDNESDAY, MAY 1, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board is requested to issue Orders to Cease & Desist to the following Licensees for the reasons outlined below.

ABRA-005196 - **J B Liqueur** - A - 1000 FLORIDA AVE NE
[Licensee did not make 2nd Year Payment.]

ABRA-072226 - **Capitol Liquors** - A - 1835 BENNING RD NE
[Licensee did not make 2nd Year Payment.]

ABRA-089012 - **Cork N Bottle Wine & Spirits** - A - 7421 GEORGIA AVE NW
[Licensee did not make 2nd Year Payment.]

ABRA-090270 - **LUCKY 7 LIQUOR** - A - 2314 RHODE ISLAND AVE NE
[Licensee did not make 2nd Year Payment.]

ABRA-086499 - **Frederick P. Winner** - Wholesaler A - 3125 - 3145 V ST NE, STE 2 [Licensee did not make 2nd Year Payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
ORDERS TO CEASE & DESIST

WEDNESDAY, APRIL 24, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board is requested to issue Orders to Cease & Desist to the following Licensees for the reasons outlined below.

ABRA-078475 - **19th** - CR - 1919 Pennsylvania Ave NW
[Licensee did not renew.]

ABRA-089461 - **876 Cafe** - CR - 4221 Connecticut Ave NW B
[Licensee did not renew.]

ABRA-086025 - **901 Restaurant & Bar** - CR - 901 9th ST NW
[Licensee did not renew.]

ABRA-007255 - **A Slice Of Italy Pizzeria** - CR - 1331 Pennsylvania Ave NW D
[Licensee did not renew.]

ABRA-082643 - **Againn** - CR - 1099 New York Ave NW
[Licensee did not renew.]

ABRA-085897 - **All Tyme Catering** - Caterer - 2757 S Glebe RD, APT 309
[Licensee did not renew.]

ABRA-013326 - **America** - CR - 50 Massachusetts Ave NE D
[Licensee did not renew.]

ABRA-000826 - **Armands Chicago Pizzeria** - CR - 4231 Wisconsin Ave NW
[Licensee did not renew.]

ABRA-087084 - **Bobby's Burger Palace** - CR - 2121 K ST NW
[Licensee did not renew.]

ABRA-081752 - **Cafe Green** - CR - 1513 17th ST NW
[Licensee did not renew.]

ABRA-010581 - **Cafe Japone** - CR - 2032 P ST NW
[Licensee did not renew.]

ABRA-077158 - **Cafe Milano** - Caterer - 3251 Prospect ST NW
[Licensee did not renew.]

ABRA-025394 - **Capital Q** - CR - 707 H ST NW
[Licensee did not renew.]

ABRA-089030 - **Chez Aunty Libe Restaurant** - CR - 6115 Georgia Ave NW
[Licensee did not renew.]

ABRA-060806 - **Churreria Madrid Restaurant** - CR - 2505 Champlain ST NW
[Licensee did not renew.]

ABRA-060163 - **Crepe Amour & Georgetown Wing Co.** - CR - 3291 M ST NW
[Licensee did not renew.]

ABRA-001304 - **Dandy** - CX - 0 Prince ST
[Licensee did not renew.]

ABRA-024431 - **El Paraiso Restaurant** - CR - 1918 14TH ST NW
[Licensee did not renew.]

ABRA-060545 - **Fino** - CR - 3011 M ST NW
[Licensee did not renew.]

ABRA-090725 - **Firelake Grill** - CR - 4200 Wisconsin Ave NW
[Licensee did not renew.]

ABRA-071127 - **Five Guys** - CR - 1335 Wisconsin Ave NW
[Licensee did not renew.]

ABRA-075074 - **Heritage India Brassiere & Lounge** - CR - 1337 Connecticut Ave NW
[Licensee did not renew.]

ABRA-082836 - **Holiday Inn Express Hotel & Suites** - CH - 1917 Bladensburg RD NE
[Licensee did not renew.]

ABRA-008348 - **Hunan Peking** - CR - 3251 Prospect ST NW C-1
[Licensee did not renew.]

ABRA-086961 - **Joes Noodle House** - CR - 2700 New York Ave NE
[Licensee did not renew.]

ABRA-020092 - **Kinkead's** - CR - 2000 Pennsylvania Ave NW A
[Licensee did not renew.]

ABRA-023994 - **La Madeleine** - CR - 3000 M ST NW B
[Licensee did not renew.]

ABRA-060044 - **Lincoln Theatre** - CX - 1215 U ST NW
[Licensee did not renew.]

ABRA-026389 - **Listranis Italian Gourmet** - CR - 5100 Macarthur BLVD N
[Licensee did not renew.]

ABRA-074276 - **Marco Polo Restaurant** - CR - 245 Maple Ave
[Licensee did not renew.]

ABRA-003814 - **Marrakesh Restaurant** - CR - 617 New York Ave NW
[Licensee did not renew.]

ABRA-087909 - **Meatballs** - CR - 624 E ST NW
[Licensee did not renew.]

ABRA-081874 - **Mie N Yu** - Caterer - 3123 M ST NW
[Licensee did not renew.]

ABRA-091843 - **Mie N Yu** - CR - 3123 M ST NW
[Licensee did not renew.]

ABRA-088332 - **Montserrat House Catering** - Caterer - 2018 9TH ST NW
[Licensee did not renew.]

ABRA-084925 - **Morgan's Seafood Bar & Grill** - CR - 3200 Georgia Ave NW
[Licensee did not renew.]

ABRA-87574 - **New District Kitchen** - CR - 2606 Connecticut Ave NW
[Licensee did not renew.]

ABRA-020455 - **Nina's Dandy** - CX - 0 Prince ST
[Licensee did not renew.]

ABRA-003854 - **Pizzeria Uno** - CR - 3211 M ST NW
[Licensee did not renew.]

ABRA-060510 - **Queen Makeda** - CR - 1917 9TH ST NW
[Licensee did not renew.]

ABRA-083202 - **Ray's the Steaks at East River** - CR - 3905 Dix ST NE
[Licensee did not renew.]

ABRA-081926 - **Rice Bar** - CR - 1020 19TH ST NW
[Licensee did not renew.]

ABRA-060255 - **Rinconcito Deportivo** - CR - 3226 11TH ST NW
[Licensee did not renew.]

ABRA-060338 - **Roxanne/Peyote** - CR - 2296 Champlain ST NW
[Licensee did not renew.]

ABRA-075703 - **Rugby Cafe** - CR - 1065 Wisconsin Ave NW
[Licensee did not renew.]

ABRA-080833 - **Star Catering** - Caterer - 2824 Fallfax DR
[Licensee did not renew.]

ABRA-089440 - **Teatro Goldoni** - Caterer - 1909 K ST NW
[Licensee did not renew.]

ABRA-009645 - **Thai Kingdom Restaurant** - CR - 2021 K ST NW
[Licensee did not renew.]

ABRA-026156 - **Thai Kitchen Restaurant** - CR - 2311 M ST NW
[Licensee did not renew.]

ABRA-011596 - **Thai Roma Restaurant** - CR - 313 Pennsylvania Ave SE
[Licensee did not renew.]

ABRA-087746 - **The Enterprise** - CX - 2917 Georgia Ave NW
[Licensee did not renew.]

ABRA-060600 - **The Melting Pot** - CR - 1220 19TH ST NW A
[Licensee did not renew.]

ABRA-081276 - **The Park at 14th** - Caterer - 920 14th ST NW
[Licensee did not renew.]

ABRA-082699 - **The Reserve** - CR - 1426 L ST NW
[Licensee did not renew.]

ABRA-060589 - **Twins Lounge** - CR - 5516 Colorado Ave NW
[Licensee did not renew.]

ABRA-084348 - **Uniontown Bar & Grill** - CR - 2200 Martin Luther King Jr. Ave
[Licensee did not renew.]

ABRA-086144 - **Upper Crust Pizzeria** - CR - 1747 Pennsylvania Ave NW
[Licensee did not renew.]

ABRA-084607 - **West Wing Café** - CR - 300 New Jersey Ave NW
[Licensee did not renew.]

ABRA-024767 - **White Tiger Restaurant (The)** - CR - 301 Maccachusetts Ave NE
[Licensee did not renew.]

ABRA-088282 - **Wise Eats Cafe/Wiseats** - CR - 2132 Wisconsin Ave NW
[Licensee did not renew.]

ABRA-007428 - **Zorba Cafe** - CR - 1612 20TH ST NW
[Licensee did not renew.]

ABRA-088809 - **Zuppa Fresca** - CR - 250 K ST NE
[Licensee did not renew.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, MAY 1, 2013 AT 1:00 PM
2000 14TH 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 Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 7:00 am - 12:00 am. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4A. SMD 4A06. ***Yene Incorporated T/A Brightwood Liquors***, 5916 Georgia Ave, NW. Retailer's Class A, License No.: 072074.

2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 10:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 4B. SMD 4B02. ***Kochmar Inc. T/A S & S Liquors***, 6925 4th Street, NW. Retailer's Class A, License No.: 072300.

3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation: Sunday through Saturday 8:00 am - 11:00 pm. Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 10:00 pm. Proposed Hours of Operation: No Change. Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 9:00 am - 10:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1D. SMD 1D02. ***3636 Woodner Market LLC T/A Woodner Market***, 3636 16th Street, NW. Retailer's Class A, License No.: 089004.

4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 12:00 am. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 9:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2F. SMD 2F03. **MG Liquors, Inc. T/A Barrel House Liquors**, 1341-14th Street, NW. Retailer's Class A, License No.: 023984.
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5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 10:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 3C. SMD 3C01. **Krishna Corporation T/A Sherry Wine and Spirits**, 2627 Connecticut Avenue, NW. Retailer's Class A, License No.: 086022.
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6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 10:00 am - 9:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 9:00 am - 10:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 7C. SMD 7C04. **Melm, Inc. T/A Dave Brown Wine & Liquors**, 4721 Sheriff Road, NE. Retailer's Class A, License No.: 000407.
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**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 1, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On May 1, 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#13-CMP-00165 Bistro La Bonne, 1340 U ST NW Retailer C Restaurant, License#: ABRA-075284

2. Case#13-251-00032 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

3. Case#13-AUD-00031 The Ugly Mug Dining Saloon, 723 8TH ST SE Retailer C Restaurant, License#: ABRA-071793

4. Case#13-CC-00019 Agora, 1527 17TH ST NW Retailer C Restaurant, License#: ABRA-087025

5. Case#13-CC-00020 Town Hall, 2340 - 2346 Wisconsin AVE NW Retailer C Restaurant, License#: ABRA-087661

6. Case#13-CC-00017 Stop & Shop Liquors, 3011 Rhode Island AVE NE Retailer A Retail - Liquor Store, License#: ABRA-088222

7. Case#13-CMP-00162 Roses Dejavu, 1378 H ST NE Retailer C Tavern, License#: ABRA-089342

8. Case#13-PRO-00006 Compass Rose (formerly Street), 1346 T ST NW Retailer C Tavern,
License#: ABRA-091140

9. Case#13-CMP-00139(a) Joes Noodle House, 2700 NEW YORK AVE NE Retailer C
Restaurant, License#: ABRA-086961

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, MAY 1, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Correspondence from Christopher Wells on behalf of Vertigo, Inc. T/A Sutra Lounge, Viet Thai requesting that transfer consent form be withdrawn due to breach by landlord. *Sutra Lounge/Viet Thai*, 2406 18th Street NW Retailer CR02, Lic.#: 82430.

2. Review of Application for Substantial Change: Cover Charge. *Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service*: Sunday through Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. *Approved Hours for Entertainment*: Sunday through Thursday 6:00 pm – 2:00 am; Friday and Saturday 6:00 pm – 3:00 am. No pending investigative matters. Pending enforcement matters: Case # 13-CMP-00198, 4/6/13 (Cover Charge). No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2B. SMD 2B08. *Chi Cha Lounge*, 1624 U Street NW Retailer CT01, Lic.#: 26519.

3. Review of Application for Substantial Change: Second Summer Garden (20 Seats). *Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service*: Sunday through Thursday 12:00 pm – 2:00 am; Friday and Saturday 12:00 pm – 3:00 am. *Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden (60 seats)*: Sunday through Saturday 11:30 am – 10:00 pm. *Proposed Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Second Summer Garden*: Sunday through Saturday 11:30 am – 10:00 pm. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 2E. SMD 2E05. *The Sea Catch*, 1054 31st Street NW Retailer CT02, Lic.#: 10810.

4. Review of Application for Substantial Change: Summer Garden (10 Seats). *Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service*: Sunday through Friday 11:30 am – 10:30 pm; Saturday 5:30 pm – 10:30 pm. *Proposed Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden*: Sunday through Friday 11:30 am – 10:30 pm; Saturday 5:30 pm – 10:30 pm. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 2B. SMD 2B02. *Sakura Japanese Restaurant*, 2026 P Street NW Retailer CR01, Lic.#: 14963.

Board's Agenda - May 1, 2013 - Page 2

5. Review of Application for Substantial Change: Change of Hours (Entertainment). **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 11:30 am – 12:00 am. **Approved Hours for Entertainment:** Wednesday 7:00 pm – 10:00 pm. **Proposed Hours for Entertainment:** Monday and Wednesday 7:00 pm – 10:00 pm. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 2E. SMD 2E05. **Bistro Lepic**, 1736 Wisconsin Avenue NW Retailer CR01, Lic.#: 21918.

6. Review of Application for License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 1A. SMD 1A04. **Carolina Deli & Beverage**, 3429 14th Street NW Retailer B, Lic.#: 73897.

7. Review of Application for License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 6A. SMD 6A01. **Souk Restaurant**, 1208 H Street NE Retailer CR01, Lic.#: 88675.

8. Review of Application for Class Change: CR to CT. **Approved Hours of Operation:** Sunday through Saturday 10:30 am – 2:00 a.m. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 11:00 am – 2:00 am. **Approved Hours for Entertainment:** Wednesday 7:00 pm – 10:00 pm. **Approved Hours for Entertainment:** Sunday through Saturday 6:00 pm – 2:00 am. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 4D. SMD 4D06. **Fusion Restaurant & Bar**, 4815 Georgia Avenue NW Retailer CR01, Lic.#: 80957.

9. Review of Application for Extension of License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 1C. SMD 1C01. **California Liquors**, 1801 California Street NW Retailer A, Lic.#: 5018.

10. Review of Application for Extension of License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 5D. SMD 5D01. **Family Market**, 1309 5th Street NE Retailer B, Lic.#: 10660.

11. Review of Application for Extension of License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 2E. SMD 2E05. **Zenobia Lounge**, 1025 31st Street NW Retailer CR01, Lic.#: 85003.

Board's Agenda - May 1, 2013 - Page 3

12. Review of Application for Extension of License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 2A. SMD 2A01. ***George Washington University Club and Alumni House***, 1918 F Street NW Retailer CR03, Lic.#: 26668.
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13. Review of Application for Extension of License in Safekeeping. No pending investigative matters. No outstanding fines/citations. No Settlement Agreement. ANC 6A. SMD 6A06. ***SOVA Espresso & Wine***, 1359 H Street NE Retailer CT01, Lic.#: 78578.
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14. Review of Application for Substantial Change: Load Capacity from 186 to 419. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service***: Sunday through Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. ***Approved Hours for Entertainment***: Sunday through Thursday 6:00 pm – 2:00 am; Friday and Saturday 6:00 pm – 3:00 am. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service Operation for Sidewalk Café***: Sunday 5:00 pm – 11:00 pm; Monday through Friday 11:00 am – 11:00 pm; Saturday 5:00 pm – 11:00 pm. No pending investigative matters. Pending enforcement matters: Case No. 11-251-00178; Case No. 12-CMP-00427; Case No. 12-CMP-00428. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2B. SMD 2B06. ***Look***, 1909 K Street NW Retailer CT02, Lic.#: 77812.
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15. Review of Application for License in Safekeeping. No pending investigative matters. No outstanding fines/citations. Settlement Agreement. ANC 4B. SMD 4B01. ***Silver Sands Restaurant***, 7303 Georgia Avenue NW Retailer CR02, Lic.#: 24736.
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16. Review of Request dated March 25, 2013 from Washington Wholesale Liquor Company, License No. 060518, for approval to provide retailers with products valued at more than \$50 and less than \$500. ***Washington Wholesale Liquor Company, LLC***, 2800 V Street NE Wholesaler A, Lic.#: 60518.
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Board's Agenda - May 1, 2013 - Page 4

17. Review of Application for Substantial Change: Sidewalk Café (32 Seats). **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. **Approved Hours for Entertainment:** Sunday through Thursday 6:00 pm – 2:00 am; Friday and Saturday 6:00 pm – 3:00 am. **Proposed Hours of Operation for Sidewalk Café:** Sunday through Saturday 11:00 am - 10:00 pm. **Approved Hours of Alcoholic Beverage Sales/Service Operation for Sidewalk Café:** Sunday through Saturday 11:30 am – 10:00 pm. No pending investigative matters. Pending enforcement matters: Case No. 11-251-00178; Case No. 12-CMP-00427; Case No. 12-CMP-00428. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2B. SMD 2B06. **Cava Mezze Grill**, 4237 Wisconsin Avenue NW Retailer CR01, Lic.#: 90698.

18. Review of letter, dated March 11, 2013, from Ryan Malkin requesting permission to provide shelf displays to off-premise retailers that cost more than \$50, but less than \$500.

19. Review of letters, dated April 12, 2013 and April 19, 2013, from John Xereas requesting that the Board suspend Penn Social's license. **Penn Social (Formerly Riot Act)**, 801 E Street NW Retailer CX, Lic.#: 86808.

20. Review of Petition to Terminate Settlement Agreement, dated March 5, 2013, from Habana Village. **Habana Village**, 1834 Columbia Road NW Retailer CR02, Lic.#: 24197.*

21. Review of Petition to Terminate Settlement Agreement, dated March 11, 2013, from The Blaguard. **The Blaguard**, 2003 18th Street NW Retailer CR01, Lic.#: 72512.*

22. Review of Petition to Terminate Settlement Agreement, dated April 1, 2013, from Bourbon. **Bourbon**, 2321 18th Street NW Retailer CT02, Lic.#: 70823.*

23. Review of Petition to Terminate Settlement Agreement, dated March 28, 2013, for George. **George**, 3251 Prospect Street NW Retailer CR01, Lic.#: 78058.*

24. Review of Petition to Terminate Settlement Agreement, dated March 25, 2013, for Black Cat. **Black Cat**, 1811 14th Street NW Retailer CX, Lic.#: 60476.*

Board's Agenda - May 1, 2013 - Page 5

25. Review of Settlement Agreement, dated April 10, 2013, between Sticky Fingers and ANC 1A. *Sticky Fingers*, 1370 Park Road NW Retailer CR01, Lic.#: 91395.*

26. Review of Settlement Agreement, dated April 11, 2013, between Masala Art and ANC 3E. *Masala Art*, 4441 Wisconsin Avenue NW Retailer CR01, Lic.#: 82973.*

27. Review of Settlement Agreement, dated March 25, 2013, between The Elroy and ANC 6A. *The Elroy*, 645 New York Avenue NW Retailer CT02, Lic.#: 91452.*

28. Review of Settlement Agreement, dated April 16, 2013, between Compass Rose and Shaw DuPont Citizens Alliance. *Compass Rose (Formerly Street)*, 1346 T Street NW Retailer CT01, Lic.#: 91140.*

29. Review of Settlement Agreement, dated April 16, 2013, between Fainting Goat, Shaw DuPont Citizens Alliance, and a Group of 12. *Fainting Goat*, 1330 U Street NW Retailer CT02, Lic.#: 91244.*

*** 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.**

CAPITAL CITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Underwriting and Advisory Services for Tax Exempt Revenue Bonds**

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for Underwriting and Advisory Services for Tax Exempt Revenue Bonds. Proposals are due no later than 5 P.M. May 10, 2013. The RFP with bidding requirements and supporting documentation can be obtained by contacting Arogya Singh at asingh@ccpcs.org or Capital City PCS, 100 Peabody St, NW, Washington, DC 20011

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Janitorial and Maintenance Services: Center City PCS would like to engage one contractor to provide janitorial services and supplies and maintenance services. The goal is to have school buildings which are clean, well maintained, and provide healthy learning environments conducive to PK-8th grade instruction. Our buildings are generally 50-100 years old and have been serving as schools since inception.

Pest Control Services: Center City PCS would like to engage one or more pest control contractors to service six charter schools located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet all requirements identified.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Cristine Doran
cdoran@centercitypcs.org

DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION**NOTICE OF A PUBLIC MEETING****The District of Columbia's Child Support Guideline Commission's meeting**

Thursday, May 9, 2013, at 8:30 A.M.
D.C. Office of the Attorney General, Child Support Services Division
441 4th Street, NW, Ste. 550N
Conference Room A
Washington, D.C. 20001

The District of Columbia Child Support Guidelines Commission (Commission) announces meeting in which it will discuss proposed changes to the District's Child Support Guideline (Guideline). The Commission's mission is to review the Guideline annually and to provide the Mayor with recommendations for improving the efficiency and effectiveness of the Guideline. In order to achieve its objective, and to ensure the recommendations the Commission provides to the Mayor take into account the public's concerns, it invites the public to attend its meeting.

Persons wishing to review the Child Support Guideline prior to the public meeting, may access it online by visiting the District of Columbia's website at www.dc.gov.

Individuals who wish to attend should contact: Cory Chandler, Chairperson, Child Support Guideline Commission, at 202-724-7835, or by e-mail at cory.chandler@dc.gov by Tuesday, May 7, 2013. E-mail submissions should include the full name, title, and affiliation, if applicable, of the person(s) wishing to attend. Persons wishing to comment should send nine (9) copies of their written commentary to the Office of the Attorney General for the District of Columbia at the address below.

Individuals who wish to submit their comments as part of the official record should send copies of written statements no later than 4:00 p.m., Wednesday, May 8, 2013 to:

Cory Chandler, Deputy Attorney General
Office of the Attorney General for the District of Columbia
Family Services Division
200 I Street, S.E.
4th Floor
Washington, D.C. 20003

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF REGULAR AND SPECIAL MEETINGS**

The Construction Codes Coordinating Board will be holding a special meeting on Thursday, May 9, 2013 at 10:00 am.

The Construction Codes Coordinating Board will be holding its regular meeting on Thursday, May 16, 2013 at 10:00 am.

The meetings will be held at 1100 Fourth Street, SW, Fourth Floor 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, under the Permits/Zoning tab on the main page.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

May 2013

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Greta Cordeiro	Board of Accountancy	7	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	15	8:30 am-4:00 pm
Leon Lewis	Board Architects and Interior Designers	3	8:30 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	6	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	14	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	2	9:30am-2:00 pm
Greta Cordeiro	Board of Professional Engineering	23	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	14	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	21	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th Street, SW, Suite E-300 A-B, Washington, D.C. 20024. Board agendas are available upon request.

For further information on this schedule, please call 202-442-4320.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PUBLIC MEETING

Community Schools Advisory Committee

The Community Schools Advisory Committee will meet on **Tuesday, May 7th from 4:00-6:00 pm at OSSE, 810 1st Street, NE, 4th Floor, Room 4002**. The Community Schools Advisory Board was appointed by the Honorable Mayor Vincent Gray to assist with implementation of the Community Schools Incentive Initiative and advise the Mayor on expanding the community schools model district wide. The public is invited to attend this event and provide input on the Community Schools Incentive Initiative.

For more information, please contact Nancy Brenowitz Katz, Project Manager, Office of the State Superintendent of Education, 810 1st Street, N.E., Washington, DC, 4th Floor. Telephone: 202-724-7983, Email: nancy.katz@dc.gov.

Agenda

- | | |
|-----------|--|
| 4:00-4:15 | Introductions/General Comments |
| 4:15-4:45 | Community Schools Best Practices Presentations |
| 4:45-5:15 | Community Schools Incentive Initiative Request for Application <ul style="list-style-type: none">• Final comments• Vote to approve• Discussion of process/timeline• Dissemination• RFA Reviewers |
| 5:15-5:50 | Discussion of Report to Mayor on Community Schools Expansion in DC |
| 5:50-6:00 | Closing Comments/Wrap Up |

**DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF YOUTH PROGRAMS**

NOTICE OF FUNDS AVAILABILITY

SUMMER YOUTH EMPLOYMENT PROGRAM 2013-B

The SYEP Program requires additional youth programming to serve the number of youth participants currently enrolled in SYEP 2013.

The District of Columbia Department of Employment Services (DOES) is soliciting additional grant applications to support the delivery of a variety of workforce exploration and experience-based programs that will provide purposeful and developmentally appropriate employment and career exploration opportunities. Applicants must employ the youth development philosophy in their approach and program design. DOES is seeking additional proposals for high quality summer youth employment programs that will help improve the outcomes for the District's youth. The Summer Youth Employment Program strives to:

- Offer District youth an opportunity to develop the skills, attitudes, and commitment necessary to succeed in today's world of work.
- Provide a mechanism through which eligible youth can earn money, gain meaningful work experience, participate in skills training workshops, and be exposed to various careers.
- Enhance basic academic, occupational, and other skills necessary for youth to obtain and maintain long-term employment.
- Help youth make a smooth transition from school to career and/or higher education.

Applicants will be required to deliver project-based learning components as part of their programming. Project-based learning engages and motivates participants in active learning processes by using real problems, materials, and tasks to produce outcomes as opposed to "make work" activities. In order to create a standardized model of summer youth employment, and allow the outcomes from summer youth programming to be more easily codified, applicants are required to provide skills training to reinforce the goals set for the Summer Youth Employment Program.

Applicant must select one of the four Growth Industry Sector Program Categories listed below:

- Agricultural/Environmental
- Information Technology/Telecommunications
- Media/Publications/Communications/Entertainment
- Business/Professional

Applicant must select two of the five Project-Based Learning Components listed below:

- Employability Skills Training
- Work Readiness Training
- Academic Enrichment
- Career Exploration and Awareness
- Leadership Skills

Eligibility: Applicant's primary vision and program focus must be serving children, youth, and/or families within the District of Columbia. Applicant must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service, as well as follow all appropriate financial reporting standards. Applicant cannot be listed on the federal or District excluded parties' lists.

Applicants who were awarded the maximum number of youth (80) under RFA No.: DOES-OYP-SYEP-2013 cannot apply for this grant opportunity. Applicants who have applied for an amount less than 80 youth under RFA No.: DOES-OYP-SYEP-2013 may apply to serve additional youth up to 80

total between both grant opportunities. Applicants who were found to be unresponsive to RFA No.: DOES-OYP-SYEP-2013 for various reasons may re-apply. Applications that were evaluated by the review panel and not recommended for funding cannot apply for funding under this grant opportunity. Applicants can contact doesgrants@dc.gov for questions concerning eligibility.

Length of Awards: Grant awards will be made for a period of six months. Duration of actual SYEP 2013 program is six (6) weeks.

Available Funding for Awards: Total budgets for proposed summer youth employment programming must fall between \$10,000 (serving 25 participants) and \$32,000 (serving 80 participants) based on the established per participant rate of \$400.00.

Anticipated Number of Awards: DOES anticipates making at least two awards and may make multiple awards depending on funding availability. The Request for Applications (RFA) will be released on **Thursday, May 2, 2013**. The RFA will be available on the DOES website, www.does.dc.gov, by contacting the DOES Grants Office at doesgrants@dc.gov, and it will also be posted on the District's Grant Clearinghouse website at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>.

For additional information regarding this grant opportunity, please contact Kathy Guevara at Kathy.guevara@dc.gov or the DOES Grants Office at doesgrants@dc.gov.

The deadline for submission is Wednesday, May 15, 2013, 2:00pm EST.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Office of Government Ethics

BEGA – Advisory Opinion – 009-13

April 19, 2013

VIA EMAIL TO:

[name redacted]
Commissioner, ANC

Dear Commissioner:

This responds to your January 29, 2013, email in which you seek guidance concerning your dual positions as an Advisory Neighborhood Commission (“ANC”) Commissioner and an associate at [a law firm]. In addition to the information you provided in your January 2013, email, you provided information to a member of my staff in a telephone conversation and in a subsequent email.

You state that as an associate at [a law firm], you are a salaried employee and mostly work on [redacted] regulatory and litigation matters, generally on behalf of state government agencies. You also state that [the law firm] represents large corporations all over the world on a variety of matters, but does not have any practices that focus on the type of matters that most commonly come before ANCs, such as historic review, planning and zoning, and alcohol licensing issues. You state that if [the law firm] represents a person or entity in a matter that comes before [your] ANC, you likely would be aware of it in advance and would recuse yourself from all voting, discussion, and any other involvement. You also state that if you ever are in a recusal situation, you plan to contact this Office to ensure that you do everything appropriately.

As an ANC Commissioner, your conduct is guided by 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.* Section 223(a) of the Ethics Act (D.C. Official Code § 1-1162.23(a)) provides:

No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a *direct and predictable effect* on the employee’s financial interests or the financial interests of a person closely affiliated with the employee.

The Ethics Act does not define “closely affiliated,” though the term “affiliated organization” is defined as one in which a person serves as an “officer, director, trustee, general partner, or *employee*.” D.C. Official Code § 1-1161.01(3)(A)(i). The question then is whether, as an employee of [the law firm], your ANC duties could have a “direct and predictable effect” on the financial interests of [the law firm] or its clients. It is certainly possible that this would be the case if [the law firm] appears before the ANC on behalf of one of its clients. Though ANCs are limited in their statutory powers, their recommendations are given great weight by the District government. For instance, a [law firm] client who wishes to obtain an ANC’s support with regard to an application for a liquor license could benefit from a positive recommendation by the ANC to the District agency responsible for issuing the license. In such a case, having one of [the law firm’s] employees as a voting member of the ANC could have a direct and predictable effect on the client’s financial interests, and, therefore, the firm’s finances.

Recusal

Although nearly everyone who works for the District (whether for pay or without) falls within the conflict of interest provision set out above, there are differences in the way a regular employee is treated compared with an employee who is also considered an elected official. For instance, though recusal is the proper method to deal with a conflict, an employee other than an elected official may be eligible for a waiver from the Ethics Board in certain circumstances. (Ethics Act § 223(b); D.C. Official Code § 1-1162.23(b)). No such waiver is available to an elected official.

The procedures and reporting obligations associated with recusal are somewhat different as well depending on classification. For instance, in the case of an elected official, the Act states:

Any elected official who, in the discharge of the elected official’s official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver that statement to . . . the Ethics Board.” (Ethics Act § 223 (c)(1); D.C. Official Code § 1-1162.23 (c)(1)).

Moreover, D.C. Official Code § 1-1162.23(c)(3) states:

During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall: (A) Read the statement provided in paragraph (1) of this subsection into the record of proceedings; and (B) Excuse the elected official from votes, deliberations, and other actions on the matter.

The question is whether ANC Commissioners are considered “elected officials.” The term “elected official” is not specifically defined in the Ethics Act. The term “Election” is defined as “a primary, general, or special election held in the District of Columbia for the purpose of nominating an individual to be a candidate for election to office, or for the purpose of electing a candidate to office, or for the purpose of deciding an initiative, referendum, or recall measure, and includes a convention or caucus of a political party held

for the purpose of nominating such a candidate.” D.C. Official Code § 1-1161.01(15). To the extent that ANC Commissioners are selected through this process, they are, in my view, clearly elected officials and should follow the recusal procedures set out above.

Therefore, if you ever learn that [the law firm] represents a person or entity in a matter that will come or has come before [your] ANC, you will be required to provide a written statement that details your financial interest, describes the matter, and describes the nature of the potential conflict of interest. You also will be required to provide that written statement to the Ethics Board and to have it read into the record at the next ANC meeting. Finally, you must fully excuse yourself from all votes, deliberations, and other actions on that matter.

This is the clear remedy in those cases in which [law firm] attorneys seek to appear before your ANC. However, you raise several other scenarios that also might occur, and which require more careful analysis. You explain that a [law firm] client may have an issue before [your] ANC, in which [the law firm] has no involvement whatsoever. You point out that the person or entity could be represented by other lawyers or not represented at all. You also point out that if [the law firm] represents the person or entity on an entirely unrelated matter and does not represent the person or entity before [your] ANC, you may or may not know that the person or entity is a [law firm] client. The concern is that, as an associate, you may not have ready access to the firm’s client rolls necessary to do conflicts checks each time a party appears before your ANC, and the firm may find it unduly costly and burdensome to itself provide a conflicts check to you on an ongoing, indefinite basis. You, therefore, request guidance as to what actions you should take to ensure that you act in compliance with the highest ethical standards.

Although the Ethics Act imposes restrictions on what you may do in your private capacity, including representation of clients, it is not intended to be so restrictive as to deprive the District of well-meaning citizens who choose to serve without pay on Boards and Commissions, or as ANC Commissioners, by unduly interfering with an individual’s regular employment. This is especially true for private attorneys who engage in representation including, perhaps, of clients with matters involving the District government. Generally speaking, those in government may not represent private individuals against the government. But, both the District’s Code of Conduct and federal law, recognize an exception for part-time government workers, also known as “special government employees,” who may or may not be compensated for their government service.¹ This exception and its underlying prohibition balance the importance of employee loyalty with the benefit of utilizing highly qualified part-time workers who likely have separate careers outside of the government.

I note that in a previous Advisory Opinion, dated June 11, 2012, from the Office of the Attorney General for the District of Columbia (“OAG”) to BEGA Chairman Robert Spagnoletti, the Attorney General dealt with this issue in somewhat similar fashion. (OAG Letter Op., June 11, 2012, attached hereto). The issue arose because Mr. Spagnoletti, as a Special Government Employee, is also a partner in a small law firm in the District that sometimes represents clients before the District government. Mr. Spagnoletti wished to

¹ A “special government employee” is an officer or employee of the government who serves, with or without pay, for no more than one hundred and thirty days during any period of three hundred and sixty-five consecutive days. I note, however, that even these individuals would be prohibited from representation in a private matter in which they personally and substantially participated while working for the government. DPM § 1814.1. *See also* 18 U.S.C. §§ 202(a) and 205.

know the parameters of permissible conduct as a practicing lawyer and a BEGA Board member. The Attorney General wrote:

Under governing conflict of interest rules and canons of judicial ethics, an Ethics Board Member would generally be required to recuse himself or herself in every instance in which a firm client has a matter before the Ethics Board. Under the conflict of interest provisions of the Ethics Act, as well as under previously long-standing conflicts of interest principles, an employee of the District is not permitted to hold an interest in a business that is related directly to the employee's official duties or would be related to matters over which the employee could wield any influence. . . . a Board Member would not be permitted to take any official action that would involve either a family member or any entity by which the Member is employed or in which he or she otherwise has a financial interest. That would certainly include taking action in a matter in which a Board Member's law firm appears on behalf of a litigant.

That Advisory Opinion, however, does not directly address the situation you have described. There is no mention that Mr. Spagnoletti as a partner, unlike you as an associate, may be unaware that a party that comes before him at the Ethics Board may be a client of his firm or that he would not have ready access to the firm's client rolls necessary to do conflicts checks each time a party appears before him. Moreover, the Opinion assumes that it is his firm that would represent the client before the Ethics Board, rather than a different firm. It also does not address a client that appears without representation. As stated above, where firm representation occurs you, like Mr. Spagnoletti, would recuse from participation. However, for the reasons that follow, I distinguish your situation from the one described in the OAG Advisory Opinion and limit those requirements to situations in which you learn that [the law firm] represents a person or entity in a matter that comes before [your] ANC.

As a starting point, I recognize the real-world practicalities of law firm practice, managing clients and the potential conflicts that frequently arise, especially in large multi-jurisdiction firms. I am also not insensitive to the role of an associate in a firm, as opposed to that of a partner. I believe the Ethics Act should be applied with all of this in mind. As described above, section § 223 (D.C. Official Code § 1-1162.23) of the Ethics Act prohibits you from using your official title or position, or personally and substantially participating, in a particular matter that you *know* is likely to have a direct and predictable effect on your financial interests or on the financial interests of a person closely affiliated with you. The key issue is whether you have the requisite knowledge when a matter comes before you as an ANC commissioner. Certainly, in the case of a [law firm] client who is represented before your ANC by [law firm] attorneys, or where one of your [law firm] clients appears before the ANC with or without [law firm] representation, the knowledge requirement would be subjectively met and you would have to recuse yourself and follow the above procedures. What is less clear is what should occur when a [law firm] client comes before your ANC and you are unaware of the connection to the firm. To be sure, knowledge of a firm's clients may be imputed for purposes of the legal ethics rules that bind attorneys, and this may be true as well for our government ethics rules. But it would be unreasonable to expect you or any large-firm associate to have access to a running resume of every firm client at any given moment. Fortunately, I do not need definitively to decide the imputed knowledge issue today in order to provide you with the guidance you request.

As previously stated, you and [the law firm] are prohibited from financially benefiting from your service as an ANC Commissioner. In the case of a [law firm] client that appears before the ANC in a matter without [the law firm] as counsel, neither [the law firm], through client fees, nor you, as a salaried employee of [the law firm], may be said to have benefitted financially from any action [your] ANC may take. It is this lack of a financial benefit that is important because financial gain through your government position is what the statute was designed to prevent. Without that potential for gain, the statute is not triggered.

Therefore, if a [law firm] client comes before [your] ANC, represented by lawyers other than [the law firm] or without legal representation, unless you have worked on, are working on, or expect to work on that client's matter, you do not need to recuse yourself from the matter as an ANC Commissioner and you do not have to affirmatively determine whether the client is, in fact, a [law firm] client. Certainly, there could be exceptions to this approach. If, for instance, you are aware that a matter before the ANC involves an otherwise unrepresented [law firm] client, that the client knows you to be a [law firm] attorney and you are aware that the client is of great financial significance to the firm, the question of financial gain becomes more difficult. In such situations, even if you believe that neither you nor the firm will derive a direct financial benefit, you should recuse yourself as a matter of good practice and to avoid the appearance of impropriety. You may also contact this Office for further guidance should those or similar circumstances arise.

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.

Sincerely,

_____/s/_____
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

Attachment: OAG Letter Op., June 11, 2012

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – 017-13

April 2, 2013

VIA EMAIL TO:

Xxx Xxxx
D.C. xxxx
XXXXXXXXXX

Dear Xx Xxxxx:

This responds to your request for advice concerning whether a proposed outside activity for pay would be consistent with your ethical obligations as a government employee. Based upon the information you provide in your letter dated February 21, 2013, as long as you ensure that you meet the requirements set forth below, your proposed outside activity is permissible.

You state that you are a Xxx Xxxx Xxxx with XX Xxxx xxx Xxxxx Xxxx (XXXX). Your duties as a Xxxx Xxxx Xxxx include coordinating the “Xxx Xxx” program, which performs xxx xxxx xx xxxx xxx xxxx xxxxxx xxxx, including xxxx xxxxx xxxxxx xxx and coordinating the “Xxxx Xxxx Xxxx,” which is a program designed to enhance XXXX worker’s xxxx, improve xxxx, increase xxxx and improve xxxx. In addition, you work on issues of xxx xxxx to educate XXXX xxxxx.

You request advice on whether you permissibly may accept outside employment with Xxxx Xxxx Xxxx, a Xxx Xxxx Xxxx Xxxx in Washington, D.C. The nature of your work with Xxxx will consist of conducting monthly visits xx xxxx, xxx xxx xxx, where they xxxx xxxx xxxx xxxx, to monitor adherence to xxx xxxx xxxx xxxxx.

As a D.C. government employee, your outside activities are governed by Chapter 18, Title 6B of the D.C. Municipal Regulations.¹ The following summarizes the requirements/restrictions found in the DPM:

A District 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

1 Hereinafter Title 6 of the D.C. Municipal Regulations will be referred to as D.C. Personnel Manual or DPM.

responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following:²

- (a) Engaging in any outside employment, private business activity, or other interest which may interfere with the employee's ability to perform his or her job, or which may impair the efficient operation of the District of Columbia government;³
- (b) Using government time or resources for other than official business . . . ;⁴
- (e) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position;⁵
- (g) Engaging in any outside employment, private business activity, or other interest which might impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a government employee in a proper and efficient manner.⁶

We find that your position with Xxxx is permissible if you ensure that you do not violate any of these prohibitions.

You state that your monthly visits for Xxxx will be conducted in the evenings/nights, weekends, and some holidays, but not during your D.C. government work hours, so you will not be using government time for other than official business. Likewise, D.C. government resources will not be used in the performance of your duties with Xxxx. Because you do not expect to be working more than 10 hours per week with Xxxx it is unlikely that the activity would impair the efficient operation of the D.C. government or interfere with your ability to perform your job at D.C. XXXX. In addition, because your proposed position with Xxxx is unrelated to your position with XXXX, it is unlikely that anyone, including yourself, will capitalize on your official title at XXXX.

Currently, Xxxx contracts with the D.C. Xxxx Xxxx Xxx (XXX), the D.C. Xxx Xxx Xxxx (XXX), and the D.C. Xxxx Xxx Xxxx (XXX). Xxxx does not, however, contract directly with XXXX. Although Xxxx's contractual relationship with the District creates the potential for a conflict of interest, because Xxxx does not contract directly with XXXX, we find that in your situation, no conflict currently exists.

If, in the future, Xxxx seeks or receives an XXXX contract, to avoid violating any of the provisions set forth above, you shall be required to notify XXXX, in writing, that you are an employee of Xxxx, and, formally recuse yourself from any work-related duties related to that procurement and oversight of that contract. In addition, because Xxxx contracts with other District agencies, you must ensure that you take no action that gives the appearance that you are trying to influence other District employees to award a contract to Xxxx, or to act favorably toward it during the administration of its contract.

Specifically, you must ensure that you do not violate the following provisions of DPM § 1803.1 (Responsibilities of Employees):

² DPM § 1804.1.

³ DPM § 1804.1(a).

⁴ DPM § 1804.1(b).

⁵ DPM § 1804.1(e).

⁶ DPM § 1804.1(g)

- (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 the integrity of government.

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.

Sincerely,

_____/s/_____
 DARRIN P. SOBIN
 Director of Government Ethics
 Board of Ethics and Government Accountability

AA-017-13

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY

Request for Applications # CHA-PHHSBG-051013

FY 2013 Preventive Health and Health Services Block Grant

The Government of the District of Columbia, Department of Health (DOH) Community Health Administration (CHA) is soliciting applications from qualified applicants to provide innovative services that will implement programs which promote improving proper nutrition, reducing weight, increasing physical activity, and increasing oral health education and awareness to improve chronic disease outcomes.

Approximately \$200,000 in funding is available for FY 2013. The FY 2013 Request for Application (RFA) has three focus areas: Focus Area A - Nutrition, Obesity and Physical Activity - up to 4 awards at \$25,000 each; Focus Area B - Evaluation- up to 2 awards at \$25,000 each; and Focus Area C - Oral Health Education and Awareness - one award at \$25,000. The projected start date is July 2013.

The following entities are eligible to apply for the grant funds under this RFA - not-for-profit community-based organizations with 501 (c) 3 status serving residents of the District of Columbia (i.e., faith-based, academic institutions, etc.)

All awards are contingent upon an award to the District of Columbia Department of Health by the Department of Health and Human Services, Centers for Disease Control and Prevention, Preventive Health Services Block Grant.

The Request for Application (RFA) release date for is May 10, 2013. The District of Columbia, Department of Health Community Health Administration will have the complete RFA available on the DC Grants Clearinghouse website at www.opgs.dc.gov on **Friday, May 10, 2013**. The RFA will also be available at the Community Health Administration at 899 North Capitol Street NE, 3rd floor.

The submission deadline for **RFA # CHA-PHHSBG-051013** is 4:00 pm, Monday, June 10, 2013. A pre-application conference will be held in the District of Columbia at the Community Health Administration, 899 North Capitol St., NE, 3rd Floor Conference Room, 306, Washington, DC 20002 on Friday, May 17, 2013 at 10:00 am to 12:00 Noon.

Applicants are encouraged to e-mail or fax questions to sherry.billings@dc.gov by Friday, May 17, 2013 at 10:00 a.m. For assistance, call Sherry Billings at (202) 442-9173.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION (CHA)
NUTRITION AND PHYSICAL FITNESS BUREAU**

NOTICE OF FUNDING AVAILABILITY (NOFA)

RFA #CHA_HDMEAL_051013

Medical Nutrition Therapy and Home Delivered Meal Services

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified applicants to provide medical nutrition therapy and meal service delivery to homebound residents suffering from a chronic disease(s) including cancer, diabetes, cardiovascular disease, renal disease and HIV/AIDS.

Approximately \$675,000 in local FY 13 District of Columbia Appropriated funds will become available for one award for the provision of services between June 10, 2013 and September 30, 2013.

All awards resulting from this RFA are contingent upon the availability of locally appropriated District of Columbia funding for a DOH-issued grant award.

The following entities are eligible to apply for grant funds under this RFA: not-for-profit public and private organizations with a demonstrated track record in providing medical nutrition therapy and home delivered meal service to individuals living with a chronic disease.

The Request for Application (RFA) #CHA_HDMEAL_051013 will be released on **Friday May 10, 2013**. The RFA will be posted on the Office of Partnerships and Grants Services website, www.opgs.dc.gov under the District Grants Clearinghouse. A limited number of copies of the RFA will be available for pick up at DOH/CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 3rd floor.

The deadline for submission is **May 30, 2013 by 4:45 pm**. All applications must be received in the Community Health Administration (CHA) offices on the 3rd floor by 4:45 pm.

The Pre-Application Conference will be held at the CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 3rd floor Room 306 Thursday May 16, 2013 from 11:30 am to 1 pm. Please contact Amelia Peterson-Kosecki at 202.442.9140 for additional information.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
MEDICAL MARIJUANA PROGRAM**

PUBLIC NOTICE

Letter of Intent for Dispensaries Applications

Summary: In accordance with Final Regulations published December 2, 2011, applications for new cultivation center or dispensary registrations shall only be accepted by the Director during the open application period as specified by the Director by published Notice in the D.C. Register; such period shall not be extended. Prior to the submission of a formal application for a new cultivation center registration, the prospective applicant shall submit a Letter of Intent to the Director or a designee. The Director shall only accept Letters of Intent during the time period specified by the Director by Notice in the D.C. Register, such period shall not be extended. The purpose of the Letter of Intent is to formally notify the Director that an application for a cultivation center or dispensary registration will be forthcoming.

Letters of Intent shall be submitted only by completing the Letter of Intent Form posted on the DC Medical Marijuana Webpage <http://doh.dc.gov/mmp>. No other format is acceptable. Letters will be received beginning Monday, April 29, 2013 at 9:00 am and ending Friday, May 24, 2013 at 12:00 Noon ET. Letters should be addressed to: DC Medical Marijuana Program, 899 North Capitol Street, NE, 2nd Floor Washington, DC 20002. Letters shall be submitted in a manner to ensure signed receipt.

Applicants may apply for both a cultivation center and dispensary registration, but must file a separate Letter of Intent Form and a separate application for each registration sought. An applicant may apply for more than one cultivation center registration but may apply for only one dispensary registration. Only the individuals and entities that submit timely Letters of Intent to the Director, meeting the requirements set forth in the regulations, shall be permitted to submit an application for a cultivation registration.

The United States Congress has determined that marijuana is a controlled substance and has placed marijuana in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing marijuana in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical marijuana program will not excuse any person from any violation of the federal laws governing marijuana or authorize any registrant to violate federal laws.

EXECUTIVE OFFICE OF THE MAYOR
CERTIFIED BUSINESS ADVISORY GROUP
NOTICE OF PUBLIC MEETINGS

The Mayor of the District of Columbia hereby gives notice of a public meeting for two additional Certified Business Advisory Group meetings. For further information or questions, please call David Retland, at 202-727-6979 or email at david.retland@dc.gov. The meetings will be held in the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 527 on the following dates and times:

Meeting Dates

Tuesday, April 30th 12:00 p.m.-4:0 p.m.

Friday, May 3rd 12:00 p.m.-4:00 p.m.

**THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**INCLUSIONARY ZONING AFFORDABLE HOUSING PROGRAM
MAXIMUM RENT AND PURCHASE PRICE SCHEDULE**

This Maximum Rent and Purchase Price Schedule is established pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*) (“the Act”) and the Inclusionary Zoning Regulations adopted by the Zoning Commission for the District of Columbia and codified in Chapter 26 Title 11 of the DCMR. The Schedule is effective upon publication in the D.C. Register.

Multi-Family Inclusionary Developments

				50% of AMI Units		80% of AMI Units	
Number of Bedrooms	Occupancy Pricing Standard	Estimated Utility Allowance	Estimated Condo Fees	Maximum Allowable Rent	Maximum Purchase Price	Maximum Allowable Rent	Maximum Purchase Price
Studio	1	\$152	\$300	\$939	\$117,900	\$1,502	\$214,600
1	1.5	\$227	\$375	\$1,006	\$116,600	\$1,610	\$220,100
2	3	\$301	\$540	\$1,207	\$122,800	\$1,931	\$247,000
3	4.5	\$378	\$630	\$1,408	\$141,900	\$2,253	\$286,800

Single-Family Inclusionary Developments

				50% of AMI Units		80% of AMI Units	
Number of Bedrooms	Occupancy Pricing Standard	Estimated Utility Allowance	Estimated Homeowner Assoc. Fees	Maximum Allowable Rent	Maximum Purchase Price	Maximum Allowable Rent	Maximum Purchase Price
2	3	\$369	110	\$1,207	\$175,100	\$1,931	\$299,300
3	4.5	\$460	130	\$1,408	\$206,200	\$2,253	\$351,100
4	6	\$544	150	\$1,610	\$237,200	\$2,575	\$402,900

The Maximum Purchase Price and Maximum Allowable Rent is based on the Washington Metropolitan Statistical Area 2013 Area Median Income of one hundred seven thousand three hundred dollars (\$107,300) for a family of four (4) as published by the United States Department of Housing and Urban Development on December 11, 2012. The Price and Rent Calculations take into account an ability to pay thirty percent (30%) of the benchmark income towards the housing cost.

An Inclusionary Development Owner may lower the rents or sale prices in order to market the Inclusionary Units to a larger band of incomes and increase marketability.

Maximum Allowable Rent is defined as the maximum amount of monthly housing cost a tenant should pay for rent and any required utilities and other expenses paid by the tenant for heat, air conditioning, cooking, electricity, hot water, water, sewer, trash, etc. The Maximum Allowable Rent is the maximum amount that may be collected from a tenant if the Inclusionary Development

Owner is paying required utilities. If all or a portion of the required utilities are paid by the tenant, then the Inclusionary Development Owner shall charge a monthly rent equal to the Maximum Allowable Rent minus the utilities paid by the tenant as estimated in the Estimated Utility Allowance.

Maximum Purchase Prices use the following assumptions:

1. A conventional thirty (30) year, fixed-rate, fully amortizing mortgage at the national average mortgage rate as published by the Federal Housing Finance Agency at www.fhfa.gov (3.54% as of April 11, 2013) plus a one and a half percent (1.5%) cushion to protect for future interest rate increases and a five percent (5%) down payment.
2. Real estate property taxes are assessed at the control price at current real property tax rates and homestead deductions.
3. Condominium fees are estimated at sixty cents (\$0.60) per square foot per month applied to the assumed unit square footages. Single-family homeowner association fees are estimated at ten cents (\$0.10) per square foot per month applied to the assumed unit square footages. Estimated unit sizes are:

Multi-Family Inclusionary Development

Studio	1-Bedroom	2-Bedroom	3-Bedroom
500	625	900	1,050

Single-Family Inclusionary Development

2-Bedroom	3-Bedroom	4-Bedroom
1,100	1,300	1,500

4. Monthly hazard insurance on single-family units is estimated at one hundred twenty-five dollars (\$125.00).

NOTE 1. If the actual homeowner association/condominium fee for a specific Inclusionary Unit is more than ten percent (10%) higher than the fees assumed in this Schedule, then DHCD may use the actual fees to determine the Maximum Purchase Price for the Inclusionary Unit.

NOTE 2. If the condominium fees for any given Inclusionary Unit do not include hazard insurance, then DHCD may add the actual insurance costs to determine the Maximum Purchase Price for the Inclusionary Unit.

NOTE 3. For unit types larger than listed above, contact DHCD’s Housing Regulation Administration.

NOTE 4. NC — Not calculated. Contact DHCD’s Housing Regulation Administration.

NOTE 5. More information on Inclusionary Zoning is available at www.dhcd.dc.gov.

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

ST. ELIZABETHS EAST SUMMER PROGRAMMING

NOTICE OF FUNDING AVAILABILITY

St. Elizabeths East Summer Funding Grant

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for a one time grant to a non-profit as a part of the St. Elizabeths East Summer Programming (SEE-SP).

The purpose of the SEE-SP Grant is to provide a non-profit organization (or partnering non-profit organizations) with grants a single, one-time grant of a maximum of \$100,000 to activate four to six summer events at the St. Elizabeths East campus geared towards local residents and visitors. The goal of the SEE-SP is to specifically engage the local Ward 8 community in activities on the St. Elizabeths East campus, provide an opportunity for residents and visitors to learn about St. Elizabeths East and the development of the innovation hub, engage the community in events that encompass civic, humanities, and technology-focused educational components.

Eligible applicants include 501(c) 3 organizations that can demonstrate a successful history of engaging the Ward 8 community and have a successful track record of offering and operating programs for the Ward 8 community in partnership with non-profits in the eligible areas. Eligible projects must fall into one of the following two categories: (1) arts, humanities and culture, and (2) technology-focused educational programs. The successful applicant will be provided space on the St. Elizabeths East campus between July 1, 2013 and August 31, 2013 to provide four to six community events. Proposed applicants that are based in, or working in partnership non-profits based in Ward 8, and that propose projects that leverage existing resources shall be given special consideration. Additional applicant and project eligibility requirements and evaluation criteria are detailed in the Request for Applications (RFA).

The Request for Applications will be released on Thursday, May 6, 2013 and the deadline for submission is Friday, May 17, 2013 at 12 p.m.

The RFA will be posted on the District's Grants Clearinghouse website at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and ODMPED website www.dmped.dc.gov under Grant Opportunities.

For additional information, contact LaToyia Hampton, Grants Manager for the Office of the Deputy Mayor for Planning & Economic Development, at latoyia.hampton@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF SPECIAL MEETING

The District of Columbia Taxicab Commission will hold a Special Meeting on Wednesday, May 1, 2013 at 10:00 am. The Special 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.

Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6018, extension 4, if you have further questions.

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Adjournment

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Furniture and Moving Services**

Washington Latin Public Charter School invites all interested and qualified vendors to submit proposals for furnishing and moving to a 65,000 square foot school facility. Proposals are due no later than 12:00 P.M. May 3, 2013. The RFP with bidding requirements and supporting documentation can be obtained by contacting Martita Fleming at mfleming@latinpcs.org or 202-541-1591.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, May 2, 2013, at 9:30 a.m. The meeting will be held in the Board Room (4th 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.dewater.com.

For additional information, please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com

DRAFT AGENDA

- I. Call to Order (Board Chairman)**
- II. Roll Call (Board Secretary)**
- III. Approval of April 4, 2013 Minutes (Board Chairman)**
- IV. Chairman's Overview**
- V. Committee Reports**
 - 1. Joint Meeting of the Environmental Quality and Sewerage Services Committee and Water Quality and Water Services Committees (Committee Chairperson)
 - 2. Audit Committee (Committee Chairperson)
 - 3. Finance and Budget Committee (Committee Chairperson)
- VI. General Manager's Report (General Manager)**
- VII. Consent Items (Joint-use)**

Those matters affecting the general management of joint-use sewerage facilities.
- VIII. Consent Items (Non-Joint Use)**

Those matters not affecting the general management of joint-use sewerage facilities (Voted on by members representing the District of Columbia).
- IX. Adjournment (Board Chairman)**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Order No. 18174-A of EDCO, LLC¹, Motion for a Two-Year Extension of BZA
Order No. 18174, pursuant to § 3130 of the Zoning Regulations.**

The original application was pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. (Square 1077, Lot 808).

HEARING DATE (Orig. Application):	March 1 and March 15, 2011
DECISION DATE (Orig. Application):	March 15, 2011
FINAL ORDER ISSUANCE DATE (No. 18174):	March 23, 2011
DECISION DATES ON MOTION TO EXTEND ORDER:	March 26 and April 9, 2013

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18174**

The Underlying BZA Order

On March 23, 2011, the Board of Zoning Adjustment (the “Board” or “BZA”) approved EDCO LLC’s (the “Applicant”) request for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District. Thus, pursuant to 11 DCMR § 3103.2, the Board granted variances from the lot occupancy requirements under § 722.1, from the off-street parking requirements under § 2101.1, and from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. (Square 1077, Lots 808). Order No. 18174 (the “Order”) was issued March 23, 2011. (Exhibit 31.)

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until March 23, 2013.

Section 3130.1² states:

¹ The original application was captioned Gary Cohen, who is the authorized representative for the Applicant, EDCO LLC. The caption has been changed to reflect that.

BZA APPLICATION NO. 18174-A**PAGE NO. 2**

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1.)

Motion to Extend

On February 22, 2013, the Board received a letter from the Applicant's attorney, which requested, pursuant to 11 DCMR § 3130.6,³ a two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on March 23, 2013. (Exhibit 34.) The Applicant submitted additional information in support of the Motion to Extend on March 18, 2013, that provided more details regarding the expenditures the Applicant made in pursuing the project. (Exhibit 36.)

On March 26, 2013, the Board convened a public meeting to consider the Motion to Extend BZA No. 18174 for two years. At that meeting, the Board requested additional information from a potential lender and allowed the Applicant to supplement the record with a letter from a lender that the Applicant had approached for financing of its project to demonstrate the Applicant's inability to secure financing so as to show good cause for the extension. In response, on April 2, 2013, the Applicant submitted a letter from the Bank of Georgetown, which detailed the lender's concerns regarding the uncertainties of the market and provided the Bank's rationale for declining to finance the condominium project on the property, to supplement the record and meet the good cause requirements of 11 DCMR § 3130.6. (Exhibit 38.)

The Applicant served its extension request on the parties to the case and provided them the requisite 30 days in which to respond, pursuant to § 3130.6. The Applicant served the request to the Chair of Advisory Neighborhood Commission ("ANC") 6B, which is the affected ANC and the only other party to the case, and to the Office of Planning ("OP"), notifying them of the Applicant's motion for a two-year time extension and sharing all documentation in support of that motion with them. (Exhibits 33 and 38.)

The project is within the boundaries of ANC 6B. ANC 6B filed a Form 129 and written report in support of the Applicant's request for extension. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 12, 2013, with a quorum present, the ANC considered and voted 10:0 in support of the request for a two-year extension. (Exhibit 35.) OP filed a report recommending that the Board grant the Applicant's request for a two-year extension of Order No. 18174. (Exhibit 37.)

² Section 3130.1 was amended by the addition of the phrase "except as permitted in § 3130.6" by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

³ Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

BZA APPLICATION NO. 18174-A**PAGE NO. 3**

To demonstrate good cause for its request for an extension, the Applicant's February 22nd filing contained an affidavit from Gary Cohen, President of EDCO LLC which is the owner of the 732 15th Street, S.E. ("subject property") and an affiliate of Willco Residential LLC. EDCO LLC is the Applicant of the underlying case and requested the extension. Mr. Cohen attested that the Applicant purchased the subject property in December 2010 and that he, as Principal-in-Charge of the subject property is responsible for efforts related to designing, constructing, financing and marketing the renovation of and addition to the existing Laundromat on the subject property ("Project"). He also attested that since the Board's approval in BZA Case No. 18174, the Applicant has been proceeding in good faith with the Project as approved in Order No. 18174. However, the Applicant has been unable to obtain sufficient project financing due to economic and market conditions beyond the Applicant's control. Mr. Cohen indicated that after acquiring the property, the Applicant approached several banks for to obtain financing, but was unable to secure financing from any of them. Also, since acquisition of the property, the Applicant has spent approximately \$60,000 related to the Project, which amount represents in excess of 15% of the value of property based on its purchase price. The Applicant continues its efforts to secure construction financing for the Project. (Exhibit 34, Tab F.)

In addition, the Applicant submitted a letter supplementing the previously filed request for an extension with additional information regarding the expenditures the Applicant has made to date. The Applicant indicated that since receiving approval of Order No. 18174, the Applicant has spent approximately \$32,000 in pursuing the Project, which is approximately eight percent of the acquisition cost of the property. (Exhibit 36.)

Finally, as mentioned heretofore, at the Board's request, the Applicant submitted a letter from one of the banks it had approached for construction financing that explains why the bank did not choose to provide financing for the Project at this time. The letter was from the Bank of Georgetown and signed by the Senior Vice President, Real Estate Finance. The letter outlined the bank's reasons for declining to provide construction financing for the Project, stating that the bank had concerns regarding the "uncertainty of the market as it related at that time to condominium development projects" and that "having these concerns, the Bank chose not to consider construction financing for this property." (Exhibit 38.)

As discussed above, the Applicant's time extension motion first was put on the Board's March 26, 2013 decision meeting agenda. At that meeting, the Board requested additional supporting documentation pursuant to the requirements of § 3130.6 and rescheduled its decision for April 9, 2013. In response to the Board's request for additional documentation, the Applicant submitted its supplemental filing on April 2, 2013, containing a letter from the Senior Vice President, Real Estate Finance of the Bank of Georgetown who provided information regarding the Applicant's efforts to obtain financing for the Project and why the bank declined to provide financing at this time. (Exhibit 38.)

BZA APPLICATION NO. 18174-A**PAGE NO. 4**

As discussed herein, the Applicant, through its attorney, submitted a request for a time extension and supplemental information supporting that request, documenting the dearth of financing options available to developers in the current economy, particularly of smaller residential projects such as the Applicant's. The Applicant outlined its difficulties and efforts in securing construction financing for the condominium Project to demonstrate good cause for granting the two-year extension of the Board's prior approval. The Applicant's filings indicated that the Applicant has been unable to secure financing for the Project due to economic and market conditions beyond the Applicant's reasonable control. Moreover, the Applicant has attested that additional architectural, legal, and other predevelopment work is underway and considerable expenditures have been made, but a time extension is required in order for it to have sufficient time in which to complete obtaining financing before it can proceed with the Project. (Exhibits 33 and 36.)

At its decision meeting on April 9, 2013, the Board found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant the two-year extension of BZA Order No. 18174 until March 23, 2015.

According to the Applicant, the reasons for its request to the Board to extend Order No. 18174 for another two years are because of the inability of securing financing for construction of the project due to economic and market conditions beyond its reasonable control. The Applicant indicated that over the last two years, the Applicant has made considerable investments and expenditures to continue to proceed with the Project in good faith, but has had difficulty securing construction financing despite having approached several potential lending institutions. To show good cause for a time extension of the Order, the Applicant's filings included an affidavit from the Applicant's President, who was able to provide first-hand documentation of the Applicant's efforts and expenditures as well as its difficulties in securing financing. (Exhibit 34, Tab F.) The Applicant attested that since the Board's approval in BZA Case No. 18174, the Applicant has been proceeding in good faith with the Project as approved, but has been unable to obtain sufficient project financing due to the economic and market conditions beyond the Applicant's control. The Applicant also submitted a letter from one of the potential lending institutions that it applied to for construction financing. That letter outlined the bank's rationale for not providing that financing at this time. (Exhibit 38.)

In sum, due to the difficulties in obtaining construction financing the Applicant encountered because of market conditions beyond its control, the Applicant has been unable to proceed with the development in sufficient time before the order is due to expire. Even so, the Applicant has continued to proceed with its Project, as demonstrated by the expenditures it cited that it has made to engage an environmental engineer to perform soil studies, engage a broker and invest in market studies for the Project, make pitches to potential investors, and interview general contractors, and, finally, to approach multiple lenders in an effort to secure a construction loan. (Exhibit 36.) The Applicant needs an extension of time in which to secure construction financing "due to the dearth of financing options available to developers in today's economy." (Exhibit 34.) Thus, the

BZA APPLICATION NO. 18174-A**PAGE NO. 5**

Applicant requests the two-year extension to allow time for the Applicant to secure financing.

In addition, the Applicant stated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on March 23, 2011. Also, there have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property. The extension would allow the Applicant the necessary additional time in which to secure financing, complete its development plans, and file for building permits. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Subsection became effective on June 5, 2009.

Subsection 3130.6 of the Zoning Regulations states in full:

- 3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or

BZA APPLICATION NO. 18174-A

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- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6.)

Pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request on February 22, 2013, thus meeting the required 30-day period for tolling. Pursuant to 11 DCMR § 3130.9, the Board granted the tolling of the Order's expiration date to provide the Board time in which to consider the request for a two-year extension of that Order.

The Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's difficulties and inability to obtain the necessary construction financing, despite its efforts in approaching several lending institutions, and the poor economic conditions in the District's real estate market during the period in question constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated March 23, 2011 (Exhibit No. 31 in the record). There have been no changes to the Zone District classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's original Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, 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. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18174-A for a two-year time extension of Order No. 18174, which Order shall be valid until **March 23, 2015**, within which time the Applicant must file plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 4-0-1 (Nicole C. Sorg, Jeffrey L. Hinkle, Lloyd J. Jordan (by absentee ballot), and Michael G. Turnbull (by absentee ballot) to APPROVE; no other Board member participating.)

BZA APPLICATION NO. 18174-A

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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: April 19, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18319-A of Application of Estelle Goldman on behalf of 7-Eleven, Inc., Motion for Modification of Condition No. 2 of Order No. 18319, pursuant to § 3129.7 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3104.1, for a special exception to allow the continued operation of a retail grocery store with basement storage as a nonconforming use under subsection 2003.1, pursuant to the conditions established in BZA Order No. 17632, with a one-year trial period for twenty-four hour operations in the FB/R-3 District at premises 912 New Hampshire Avenue, N.W. (Square 28, Lot 122).¹

HEARING DATE (original application):	February 28, 2012
DECISION DATE (original application):	February 28, 2012 (Bench Decision)
FINAL ORDER ISSUANCE DATE (original application):	March 6, 2012
HEARING DATE ON MODIFICATION:	April 9, 2013
MODIFICATION DECISION DATE:	April 9, 2013

SUMMARY ORDER ON REQUEST FOR MODIFICATION

Background

On February 28, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved Estelle Goldman on behalf of 7-Eleven, Inc.’s (the “Applicant”) original request for a special exception under § 2003.1 to allow continued operation of a retail grocery store with basement storage pursuant to 12 enumerated conditions, including a five-year term (through March 6, 2017) and in Condition No. 2, a one-year trial period for 24-hour operations in the FB/R-3 District at premises 912 New Hampshire, Avenue, N.W. (Square 28, Lot 122) (BZA Order No. 18319, issued March 6, 2012). Specifically, Condition No. 2 stated:

The hours of operation shall be a 24-hour operation daily on a one-year trial basis, beginning on the date upon which the order became final. At the conclusion of the one-year trial period, the Applicant shall have the option to return to the Board for a modification of this Order with respect to this condition.

BZA Order No. 18319, approving the original request, was issued March 6, 2012.

¹ The description of the use as a “retail grocery/delicatessen store” in the caption was changed to “retail grocery store” for consistency with recent Board decisions. As the Board approved the requested relief pursuant to the conditions in BZA Order No. 17632, the conditions were left mostly unchanged other than Condition 2, which was altered to “the hours of operation shall be a 24-hour operation on a one-year trial basis.” Also, the Board kept Condition 1, whereby the Order is approved for a five year term. In their deliberations, the Board addressed allowing the Applicant, at the end of the one-year trial period for 24-hour operations, to apply to the Board for a modification of this Order to extend the trial period.

BZA APPLICATION NO. 18319-A**PAGE NO. 2**

(Exhibit 38.) As approved in BZA Order No. 18319, the approval allowed continued operation of a retail grocery store with basement storage pursuant to 12 enumerated conditions, including a five-year term (through March 6, 2017) and in Condition No. 2, a one-year trial period for 24-hour operations.

Motion for Modification

On March 7, 2013, the Applicant filed a Request for Modification of Condition No. 2 in Order No. 18319, pursuant to § 3129.7 of the Zoning Regulations together with a Certificate of Service showing that notice was provided by electronic mail and first class mail to the other parties in the case: the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 2A, the affected ANC. (Exhibit 40.) In the Motion, the Applicant requested that 24-hour operations be approved for four additional years to run concurrently with the underlying special exception approval for the retail grocery store which will expire on March 6, 2017.

Pursuant to § 3129.7, the Board conducted a hearing on the requested modification on April 9, 2013. OP filed a supplemental report dated March 26, 2013 (Exhibit 41) recommending approval of the requested modification and appeared at the hearing. The affected ANC, ANC 2A, which was a party in support to the underlying case, filed a report dated April 8, 2013 in support of the request to extend 24-hour operations until March 6, 2017, the expiration date of the underlying Board approval. The ANC’s report indicated that at a regularly scheduled, properly noticed meeting with a quorum present, the ANC voted unanimously (7:0:0) to support the request for the extension of 24-hour operations. (Exhibit 42.)

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129, that the requested modification can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. No parties opposed this modification. Accordingly, a decision of the Board to grant this modification would not be adverse to any Party.

The Board concludes that the Applicant’s proposed Modification of Condition No. 2 is well supported and consistent with the requirements of § 3129.7 of the Zoning Regulations and represents a modification that does not change the material facts the Board relied upon in approving the original application.

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 for modification of Condition No. 2 be **GRANTED SO THAT CONDITION NO. 2 IS MODIFIED TO READ AS FOLLOWS:**

BZA APPLICATION NO. 18319-A

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- 2. Approval of 24-hour operations shall be for a period running concurrently with the underlying approval in Order No. 18319 and will expire simultaneously with the underlying approval on March 6, 2017.

In all other respects Order No. 18319 and the conditions approved therein remain unchanged.

VOTE on Original Application (February 28, 2012): 5-0-0

(Meridith H. Moldenhauer, Marcie I. Cohen, Nicole C. Sorg, Lloyd J. Jordan, and Jeffrey L. Hinkle, to APPROVE.)

VOTE on Modification of Condition No. 2 of Order No. 18319: 4-0-1

(Nicole C. Sorg, Anthony J. Hood, S. Kathryn Allen, and Jeffrey L. Hinkle, to APPROVE; Lloyd J. Jordan, not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: April 17, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18335-A of Application of Washington Ethical Society, Motion for Modification of Condition No. 2 to Order No. 18335, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (40 children and 14 staff) under § 205, in the R-1-A District at premises 7750 16th Street, N.W. (Square 2745F, Lot 81).

HEARING DATE (original application):	April 17, 2012
DECISION DATE (original application):	April 17, 2012 (Bench Decision)
FINAL ORDER ISSUANCE DATE (original application):	April 26, 2012
HEARING DATE ON MODIFICATION:	April 9, 2013
MODIFICATION DECISION DATES:	March 5 and April 9, 2013

SUMMARY ORDER ON REQUEST FOR MODIFICATION

Background

On April 17, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application of the Washington Ethical Society (the “Applicant”). The Applicant’s original request was for a special exception to allow a child development center (40 children and 14 staff) under § 205, in the R-1-A District at premises 7750 16th Street, N.W. (Square 2745F, Lot 81).¹

BZA Order No. 18335, approving the original request, was issued April 26, 2012. (Exhibit 38.) As approved in BZA Order No. 18335, the approval allowed a child development center (“CDC”) with 40 children and 14 staff on-site, subject to conditions.

Request for Modification of Condition No. 2 of Order No. 18335

¹ The property and the child development center (“CDC”) use had been the subject of prior Board holdings. In 2009, the Board approved a CDC with 40 children and 14 staff, subject to conditions, with a three-year term ending May 30, 2012. (See, BZA Order No. 17896.) The property and its CDC use were the subject of two previous orders as well. (See, BZA Order Nos. 16590 and 12005.) While the original application in this case was advertised as requesting approval to establish a CDC, the application was actually a renewal application, as the Applicant was asking to continue operation of an existing CDC use in compliance with previously adopted conditions, other than that for the term which will be eight rather than three years, and with a neighborhood agreement (Exhibit 11), albeit with a different CDC provider. With this request for a modification to the underlying approval, the Applicant is adding a second CDC provider that will handle the infant care.

BZA APPLICATION NO. 18335-A**PAGE NO. 2**

On January 31, 2013, the Applicant, through the proprietor of Trusting Hands CDC, which is one of two CDCs that has a lease with the Applicant to operate a CDC on the Applicant's property, requested a modification to Order No. 18335, to change Condition No. 2 in that order so as to allow infant care. (Exhibit 41.) The motion also included a letter, dated January 31, 2013, from the Applicant affirming that Trusting Hands CDC had a lease with the Applicant and that the Applicant supported the request, thereby authorizing the request for the modification.

Currently, Condition No. 2 reads as follows: "The child development center shall enroll no more than 40 students, *ages one and a half to five years old.*" (italics added to show the language that the Applicant seeks to change.) The Applicant requested that the condition be modified to permit infants approximately six weeks old, as well as children ages one and a half to five years of age, to be cared for by Trusting Hands CDC, pursuant to § 3129 of the Zoning Regulations. (Exhibit 41.) The record indicates that the request for modification was served on all of the parties to the case: the Office of Planning ("OP") and Advisory Neighborhood Commission ("ANC") 4A, the affected ANC. (Exhibit 41.)

The Motion was placed on the Board's public meeting agenda for decision on March 5, 2013. Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. When the Board met to consider the motion on March 5, none of the parties to the original case had as yet filed comments nor did the Applicant attend the March 5th meeting.

Limited-Scope Public Hearing Required

Subsection 3129.7, states that "[a] request to modify other aspects of a Board order may be made at anytime, but shall require a hearing." At the decision meeting of March 5, 2013, the Board determined that the Applicant's modification request required a limited-scope hearing to review the request. The Board indicated that it had questions for the Applicant and the other parties and, by consensus, ordered the matter for a public hearing on April 9, 2013.

Subsequent to the March 5th public meeting but before the public hearing scheduled for April 9th, the Applicant and one of the other parties submitted written comments. OP submitted a report, dated April 2, 2013, recommending approval of the request to modify the condition, provided that the Applicant submit some additional information, namely, to indicate the number of infants to be served and whether changes would be required in the waste management operations due to the lower ages of some of the students to be served and, if so, how this would be managed. (Exhibit 43.) The affected ANC, ANC 2A, which was a party to the underlying case, did not submit a report regarding the motion nor did it attend the hearing.

The Applicant also submitted a letter dated April 2, 2013, stating again for the record that the Applicant authorized and supported the CDC's request to provide infant care and to have the condition changed to allow that to happen, citing the significant need for infant

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care in the neighborhood, as evidenced by focus groups with neighbors over the years. Additionally, the Applicant's letter clarified that Trusting Hands CDC would be sharing the Applicant's building with another, separate CDC (Kids Village, LLC). Kids Village, LLC has been serving children one and a half to five years of age and is already covered under the previous original Order. Once the condition is modified, Trusting Hands CDC would be providing infant care and would be using rooms on the north side of the building. The total number of children and staff permitted by the original underlying BZA approval would not change. The Neighborhood Agreement that already exists also would remain in effect. (Exhibit 44.)

The proprietor of Trusting Hands CDC and the Applicant's administrator both attended and testified at the hearing. At the hearing on April 9th, the Board asked how many infants would be served. The proprietor of Trusting Hands CDC testified that the CDC was qualified for up to 15 slots, based on the space. The Board also asked about how changes in the operations of the CDCs to allow infants would impact other operations in the building, i.e. waste management. The witnesses replied that should there be additional waste produced due to the infant care, that arrangements would be made for either an additional trash pick-up or an additional dumpster. Testimony was given that there was space in the back of the building for an additional dumpster, if needed. The Board asked OP if it was satisfied with the Applicant and the CDC's reply to which OP responded in the affirmative. The Applicant clarified that the two daycare centers would be located in rooms across the hall from one another. One is currently operating and the other, Trusting Hands CDC, is just beginning to operate. To questions of the Board members, the Applicant clarified that the total enrollment allowed of 40 applied to both centers. To questions of the Board, the Office of the Attorney General noted that the original Order approved the CDC use and that now there were two daycare operators on the property, one of which was appearing with the Applicant and with the Applicant's authority to ask for the modification to allow for infant care.

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 § 3104.1, for a modification to the special exception under § 205 previously approved by the Board in BZA Case No. 18335, specifically Condition No. 2. No parties appeared at the public hearing in opposition to the 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 modification to Condition No. 2 of Order No. 18335, the Applicant has met its burden of proof under 11 DCMR 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with 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

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conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of Order No. 18335 is hereby **GRANTED AND CONDITION NO. 2 IS MODIFIED TO READ AS FOLLOWS:**

- 2. The child development center(s) shall enroll no more than 40 students, ages infant to five years old.

In all other respects Order No. 18335 and the conditions therein remain unchanged.

VOTE on Original Application (April 17, 2012): 5-0-0

(Lloyd J. Jordan, Michael G. Turnbull, Nicole C. Sorg, Rashida Y.V. MacMurray, and Jeffrey L. Hinkle to APPROVE.)

VOTE on Modification of Order No. 18335: 4-0-1

(Anthony J. Hood, Nicole C. Sorg, S. Kathryn Allen, and Jeffrey L. Hinkle to APPROVE; Lloyd J. Jordan, not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 18, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18471 of Universalist National Memorial Church, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions for theater performances on the basement level of a church under §§ 350.4, in the DC/R-5-B District at premises 1810 16th Street, N.W. (Square 177, Lot 802).

HEARING DATE: December 11, 2012

DECISION DATE: December 11, 2012

DECISION AND ORDER

Universalist National Memorial Church, (“Applicant” or the “Church”), submitted this self-certified application on April 27, 2012, as the owner the property at 1810 16th Street, N.W. (Square 177, Lot 802). The Applicant sought variances from the use provisions to permit theater performances by a third party on the basement level of a church located in the DC/R-5-B District. The Board of Zoning Adjustment (“BZA” or “Board”) convened a hearing on the application on December 12, 2011. The Board deliberated on the application at the conclusion of the hearing and voted 4-0-1 to **GRANT** the application subject to conditions proposed by the Applicant and modified by the Board to mitigate any potential adverse impacts of the use.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing.

By memoranda dated September 4, 2012, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 2B - the ANC within which the subject property is located, Single Member District 2B-03, and the Councilmember for Ward 2.

A public hearing was scheduled for December 11, 2012. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing on the application in the *D.C. Register* on October 12, 2012 (59 DCR 11797), and also on October 5, 2012 sent such notice to the Applicant, ANC 1B, and owners of all property within 200 feet of the subject property. The Applicant posted placards at the property regarding the application and public hearing in accordance with 11 DCMR §§ 3113.14 through § 3113.20 and submitted an affidavit to this effect in accordance with 11 DCMR §§ 3113.19 and 3113.20.

Request for Party Status.

ANC 2B was automatically a party to this proceeding. The Board also received three requests for party status from nearby property owners, one from Patrick Kenneth Jadin, residing at 1614 S

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Street, N.W. (Exhibit 26), one from Louis Santucci, residing at 1612 S Street, N.W. (Exhibit 27), and one from Lance Salonia, residing at 1603 S Street, N.W.¹

Louis Santucci was not present at the hearing and therefore was not granted party status. The Board granted the requests for party status of Mr. Jadin and Mr. Salonia and, with no objection from the Applicant or either neighbor, the Board directed Mr. Jadin and Mr. Salonia (the "Neighbors") to consolidate their presentations and proceed as a combined party.

The Neighbors each detailed their opposition to the application in their requests for party status. Among other things, the Neighbors contend that the use of the basement of the church for a theater is disruptive due to increased foot traffic by patrons of the theater.

Government Reports

ANC 2B

In a report submitted October 26, 2009, ANC 2B indicated that, at a regularly scheduled monthly meeting with a quorum present, it voted to support the application, with conditions. (Exhibit 25.) In an effort to confirm its acceptance of the terms and conditions set forth in the ANC resolution, the Applicant submitted a letter to the Board dated, December 11, 2012 (Exhibit 35) listing the conditions and requesting the Board incorporate the conditions within the Order.

DDOT Report

DDOT reviewed the application and prepared a report dated November 30, 2012 which concluded that based on the information there would be negligible impact to the transportation network and therefore had no objection to the requested variance. (Exhibit 30.)

OP Report

OP reviewed the application and prepared a report which stated that it could not recommend approval of the use variance to allow a theater use in the basement of the subject property. (Exhibit 32.) The report stated that the Applicant had not sufficiently made the case proving an exceptional condition resulting in an undue hardship. OP stated that the Applicant did not present any topographical unique or exceptional condition of the property that existed prior to establishment of the theater use. As to the third prong of the variance test, OP noted that the application indicated that theater attendance has so far has ranged from five to 20 persons. OP indicated that it was unclear what impact 48 or more performances annually with attendance of up to 75 persons would have on the surrounding neighborhood. OP further concluded that granting the variance would be contrary and detrimental to the intent and integrity of the Zoning Regulations because a theater use is not permitted in any Residence district. For this same reason the report also concluded that granting the variance would be contrary to the goal of the

¹ Mr. Salonia submitted a party status request but it was not reflected in the Exhibit Log. Mr. Salonia produced a stamped copy, at the hearing, showing timely receipt of the request by the Office of Zoning.

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Dupont Circle Overlay of “maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development.” (11 DCMR § 1501.4(c).) OP’s representative, Arthur Jackson, also testified to this effect at the public hearing.

FINDINGS OF FACT

The Site

1. The property is located at 1810 16th Street, N.W. (Lot 802 in Square 177) in the DC/R-5-B zone district.
2. Lot 802 is an 11,750 square-foot rectangular corner lot located at 16th and S Street, N.W.
3. The lot is improved with a three-story church building with basement built in 1930 and is a contributing structure in the Sixteenth Street Historic District.
4. The church is approximately 21,642 square feet in size and occupies approximately $\frac{3}{4}$ of the site.
5. Universalist National Memorial Church, a nonprofit, owns and operates the church.
6. The basement of the Church has contained a performance space (including built-in stage) since it was constructed in 1930. The original auditorium includes a dedicated film projection booth at one end and a raised stage with theatrical lighting dimmers, theater curtains, and other stage equipment at the other end.
7. This performance space, known as Perkins Hall, is 7,400 square feet in size and is authorized for 225 occupants.
8. Perkins Hall has no air conditioning and it cannot be heated without heating the entire church. As a result the space has become underutilized. Additionally, Perkins Hall is not accessible to persons with disabilities.

The Surrounding Area

9. Square 177, which includes the property, is bordered by an alley to the west, townhouses to the north, 16th Street to the east, and S Street to the south.

The Proposal

10. At a point in time prior to the filing of this application, the Church entered into a lease agreement to permit a professional theater company, known as the Spooky Action Theater, to use Perkins Hall as its principal performance space.

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11. The Church's existing certificate of occupancy does not authorize a separate theater use not operated by the church. (Exhibit 11.)
12. A theater use is first permitted in the C-2 Zone District. (11 DCMR 721.6 (c).)
13. Once performances began, neighbors in the immediate vicinity were disturbed by the theater's patrons using the rear alley entrance of the church. This led to complaints filed with the Department of Consumer and Regulatory Affairs, which after investigation concluded that the theater was operating without the necessary certificate of occupancy.
14. The Zoning Administrator however agreed not to then take enforcement action provided that an application for a use variance was filed. A temporary certificate of occupancy was then issued for the use.
15. The Applicant has agreed to limit performances to 48 annually and to limit attendance to 75 persons.
16. Only the front entrance of the building may be used to access performances.
17. The Applicant is not proposing any expansion to the building.
18. Current and future permitted church-related activities previously held in this space would continue under this proposal.

Exceptional Conditions

19. The building was built in 1930 and is a contributing structure in the Sixteenth Street Historic District.
20. The Church building suffered significant damage requiring expensive repairs and restoration due to the magnitude 5.8 earthquake experienced by the District on August 23, 2011.
21. A "Needs Assessment" was performed and lists seven proposed phases for rehabilitation of the Church at a cost totaling \$959,000 - \$1,056,000.
22. The Church theater's programming is part of its outreach effort to provide access for community events and to engage the larger community in the life of the Church.

Undue Hardship

23. The Church's congregation has dwindled to approximately 40 members and its annual budget is well under \$200,000. It can no longer afford the services of a minister.
24. The decline in active Church members and budget has resulted in building maintenance becoming a hardship since having fewer members results in reduced financial resources for repairs.

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25. The basement of the Church is underutilized and not economically viable unless an income-producing use, such as theater use, is allowed. No permitted non-church uses are suitable and/or viable for this space.
26. In addition to providing the Church with financial remuneration, the theater group has committed to installing a separate HVAC system dedicated to this space and to making the space accessible to persons with disabilities.

No Substantial Harm to Public Good and No Substantial Impairment of the Zone Plan

27. The use of the rear entrance to the Church's building for access to the basement for theater use – from the alley – has been discontinued and will not be allowed in the future.
28. Once the Church prohibited the use of its rear entrance to gain access to the performance space, the use of that space by Spooky Action Theater no longer caused any noise to be generated outside of the Church building.
29. DDOT concluded that there would be negligible impact to the transportation network.
30. The current activities by the theater have not caused any noticeable traffic or parking problems because the vast majority of its patrons walk or take public transportation to the site and those who drive are typically accommodated by a parking arrangement that the Applicant has made off-site.
31. The danger of falling stone or other potential adverse conditions caused by the earthquake can be mitigated by the repairs and restoration undertaken by the Church with income generated by the theater use.
32. Permitting a small theater use with no more than 48 performances annually and with no more than 73 persons in attendance will not jeopardize the residential character of the surrounding neighborhood.

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.07(g)(3) (2001)), to grant variances from the strict application of the Zoning Regulations. As stated above, the Applicant here seeks a use variance pursuant to § 3103.2 from the use provisions applicable to the DC/R-5-B District pursuant to § 350.4.

Under the three-prong test for variances set out in the Zoning Act and re-stated at 11 DCMR § 3103.2, a property owner must demonstrate that (1) its property has an exceptional size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulties or undue hardship if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the

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public good or the zone plan. A showing of “practical difficulties” must be made for an area variance, while the more difficult showing of “undue hardship,” must be made for a use variance. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The D.C. Court of Appeals has held that the exceptional situation or condition standard goes to the “property” not just the “land”; and that “property generally includes the permanent structures existing on the land.” *Clerics of St. Viator v. D.C. Bd. of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974) (footnote omitted).

Turning to the first prong of the variance test, the Board finds that the property is subject to an exceptional situation. The basement space is large (7,400 sf) with an authorized capacity of 225, but is underutilized by the declining membership of the Church. Built in the 1930’s, the Church building is aging and requires increasing ongoing maintenance that the Church is no longer able to afford. Further, on August 23, 2011, a magnitude 5.8 earthquake hit the D.C. area resulting in extensive damage to the Property and the basement of the Church cannot be economically used by the Church, except occasionally, unless it is put to a viable income-producing use such as a theater use.

The D.C. Court of Appeals has held that “the Board of Zoning Adjustment does not err in considering the needs of a public service “as possible ‘other extraordinary and exceptional situation or condition of a particular piece of property’.” *Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1099 (D.C. 1979) and the Board finds such an extraordinary and exceptional situation on the facts presented here.

As to undue hardship, the Court of Appeals has interpreted the *Monaco* doctrine for public services as also applying to this test as well. In *National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687 (D.C. 1984), also a use variance, the Court of Appeals indicated that “in *Monaco*, we permitted the BZA to apply a more flexible *standard for determining hardship* when a ‘public service,’ or nonprofit entity, is the applicant.” 483 A. 2d at 690 (emphasis added).

The Applicant has established that strict application of the Zoning Regulations in this case will result in undue hardship as a result of 1) a declining membership of approximately 40 active members, 2) managing the Church with a minimal operating budget and without the financial means to hire a full time minister, 3) the need to plan for extensive repairs needed for the Church’s building caused by the earthquake and the effects of its age and 4) no permitted uses of the basement area have been proven viable or suitable for the existing Church use of the Property.

The theater provides, among other things, three functions: it allows the Church to convert the auditorium space with limited functionality to one that permits use of the space on a year-round basis with access to persons with disabilities, furthers the Church’s mission of community outreach and service, and provides a source of needed income. The relationship with the theater company is an important partnership that not only helps the Church’s building stay vibrant and busy throughout the week, but offers much needed income from the theater, which is expected to be over \$30,000 in 2013. Most importantly, the theater use provides necessary funds to be used

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by the Church to restore and repair the damage caused by the earthquake and make other repairs to the aging building.

In these respects, the Church's situation is identical to that analyzed by the Court of Appeals in *Clerics of St. Viator, supra*. There, the drop in the number of young men entering the priesthood caused maintenance of the large seminary to be a hardship. Similar to the subject property, the decline in active Church members has also resulted in building maintenance becoming a hardship for the Church since fewer members result in reduced financial resources for repairs of an aging facility. Similarly, in *Application No. 18272 of KS FBC, LLC* (June 2012) the Board granted area (variance relief for a commercial development that would provide financial support for the maintenance needs of an existing Church building. There the Board concluded that without "a viable project, the church will not be able to generate the revenue necessary to undertake \$5 million worth of deferred maintenance, establish a reserve for ongoing maintenance and sustain its core religious ministries, some of which operate at a deficit."

Turning to the third prong of the variance test, the Board concludes that the requested use variance can be granted without creating adverse impacts on nearby residential properties. First, the use of the rear entrance to the Church's building for access to the basement for theater use by audiences, performers, and theater staff – from the alley – has been discontinued and will not be allowed in the future. Second, experience shows that once theater access from the rear entrance was prohibited, the Spooky Action Theater performances ceased generating noise outside of the Church building. Third, the activities by the theater have not caused any noticeable traffic or parking problems because the vast majority of its patrons walk or take public transportation to the site, and those who drive are typically accommodated by a parking arrangement that the Applicant has made off-site. DDOT has also confirmed that there will be negligible impact on the transportation network. Fourth, the danger of falling stone or other potential adverse conditions caused by the earthquake can be mitigated by the repairs and restoration undertaken by the Church with income generated by the theater use.

As to whether the granting of this variance would cause substantial detriment to the zone plan and to the purposes of the Overlay, the Board is not persuaded that it would. OP's argument is simply that the theater use is not permitted in a Residence District. If the Board were to accept that argument it could never grant a use variance for a commercial use in a Residence zone. That of course cannot be the case. The question is whether the introduction of the particular commercial use would jeopardize the residential character of the neighborhood. The Board agrees with the ANC that it would not. As the ANC's resolution points out, not all commercial uses are categorically prohibited in the R-5 zone. Rather, certain commercial uses, such as convenience stores in apartment houses and commercial adjuncts to hotels and are permitted by special exception. Those uses are part of and complementary to a larger permitted use, and for that reason may be compatible within a residence zone. Similarly, this theater use will be contained within a large building devoted to a permitted institutional use. Indeed, the Church is allowed as a matter of right to use this space for its own mission-related performances. The only difference here is that the performances are being offered by a third party. Lastly, this order imposes conditions limiting both the number of third party performances and attendees. The

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Board is confident that such a relatively small and infrequent use will do no harm to the fabric of this neighborhood.

Section 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)(3)(B)) requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. As noted, the ANC supported the application with conditions that the Board has adopted in this order.

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give "great weight" to OP recommendations. In its report, OP opined that the Applicant did not sufficiently establish any uniqueness or exceptional condition of the property and undue hardship and that granting of the application would be contrary to the intent and integrity of the Zoning Regulations. For the reasons stated in this Decision and Order, the Board does not find OP's advice to be persuasive.

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is **GRANTED** to allow zoning relief pursuant to 11 DCMR § 3103.2, for a variance from the use provisions for theater performances on the basement level of a Church under §§ 350.4, in the DC/R-5-B District at premises 1810 16th Street, N.W., subject to Exhibit 29A (plans), and **SUBJECT** to the following **CONDITIONS**:

1. This approval shall be for a period of **THREE (3) YEARS** beginning on the date upon which the order became final.
2. The total number of "performances" by the residential theater shall be limited to 48 per year. Performances shall include only formal theater-sponsored and benefitted scheduled events in which tickets are advertised and offered in advance to the general public. Performances shall not include Church-sponsored and benefitted events, theater auditions, rehearsals, and dress rehearsals which are not open to the public and tickets are not sold or offered, and other small scale and customary theater developmental activities, including free workshops, readings, open houses and other fundraising activities and other development activities for theater professionals and the public.
3. For outside residential theater performances, seating shall be limited to 75.
4. The current residential theater, Spooky Action Theater, or any subsequent residential theater, shall not sublet this space to other theaters or organizations. Such restriction shall be included in the lease between the Applicant and the residential theater.
5. Public access to the theater for the general public, staff and performers shall be limited to the main entrance to the Church on 16th Street. Access from the alley shall be limited for ADA purposes and service activities.
6. For Friday and Saturday night performances, the residential theater shall seek to make arrangements for off-street parking for staff, performers, and patrons.

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7. During the times of residential theater performances, the Applicant shall ensure that the gathering of people outside the premises of the Church during pre-performance waiting, intermissions, smoke-breaks, or post-performance socializing shall not disturb the peace, order or quiet of the residential neighborhood.
8. The Applicant shall remove any trash associated with the residential theater performances no later than the day after the performance.
9. The Church shall meet with the ANC annually to discuss any concerns and the need to implement any new mitigation measures.
10. The Church shall create a mission for charitable and educational activity in which the rental theater shall be a participant.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Nicole C. Sorg, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board the members approved the issuance of this order.

FINAL DATE OF ORDER: April 17, 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.

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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.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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. 18529 of Maria B. Medrano, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (12 children and 5 staff) under section 205, in the R-3 District at premises 4910 Kansas Avenue, N.W. (Square 3213, Lot 98).

HEARING DATE: April 9, 2013

DECISION DATE: April 9, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application of Maria B. Medrano (the “Applicant”) was accompanied by a memorandum, dated April 29, 2011, from the Zoning Administrator (“ZA”). At the Applicant’s request, the ZA provided guidance on the specific zoning relief that would be required from the Board of Zoning Adjustment (“Board” or “BZA”) for the Applicant’s proposal. (Exhibit 4.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 4D, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 4D, which is automatically a party to this application. No letter with recommendation was received from ANC 4D.

The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 28.) The District Department of Transportation (“DDOT”) submitted a letter stating “no objection” to the continuation of the use. (Exhibit 25.) The Office of the State Superintendent of Education (“OSSE”) submitted a letter supporting the application. (Exhibit 26.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 3104.1 from the strict application of the regulations pertaining to § 205. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for FIVE YEARS from the final date of this order.
2. Enrollment shall not exceed 12 children, age 15 or less.
3. The center shall have a maximum of 5 staff.
4. The operating hours shall be from 7:00 AM to 5:00 PM, Monday through Friday:
 - a. Drop-off hours shall be between 7:00 AM and 8:00 AM; and
 - b. Pick-up hours shall be between 4:00 PM and 5:00 PM.
5. The Applicant shall reserve two parking spaces on-site for use by the center staff.
6. The center's trash shall be collected at least one time per week.

VOTE: **4-0-1** (Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood to approve; no other member present.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: _____

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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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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.

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