



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- DC Council passes Resolution 20-269, Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Declaration Resolution of 2013
- DC Council schedules a public hearing on Bill 20-409, Simple Possession of Marijuana Decriminalization Act of 2013
- Department of Health adopts new ethics standards for nursing home administrators
- DC Taxicab Commission proposes new fees
- DC Public Charter School Board solicits accounting firms to be included in the list of approved auditors for public charter schools
- Public Service Commission approves Washington Gas Light Company's request to update its Rights-of-Way (ROW) surcharge
- Office of the Secretary announces funding availability for the DC Democracy Grant

# 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 RESOLUTION

20-269

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Health Benefit Exchange Authority Establishment Act of 2011 to promote meaningful choice, provide enhanced benefits, and build a competitive private insurance marketplace for the residents and small business owners of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In June, the Council enacted the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-87; 60 DCR 9542) (“emergency legislation”), and in July, the Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013, signed by the Mayor on July 15, 2013 (D.C. Act 20-110; 60 DCR 10880) (“temporary legislation”), which amended the Health Benefit Exchange Authority Establishment Act of 2011 to promote meaningful choice, provide enhanced benefits, and build a competitive private insurance marketplace for the residents and small business owners of the District of Columbia.

(b) The emergency legislation will expire on September 17, 2013, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-270

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend sections 16-803 and 16-803.01 of the District of Columbia Official Code to establish the burden of proof for certain cases covered by these sections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Criminal Record Sealing Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) Since the enactment of the Criminal Record Sealing Act of 2006, effective May 3, 2007 (D.C. Law 16-307; D.C. Official Code § 16-801 *et seq.*), approximately 6,000 motions have been filed with the Superior Court of the District of Columbia to have a record sealed, and of those, the Court has granted approximately half in whole or in part.

(b) On December 18, 2012, the Council adopted the Re-entry Facilitation Amendment Act of 2012, effective June 15, 2013 (D.C. Law 19-319; codified in scattered cites throughout the D.C. Official Code), which made several amendments to D.C. Law 16-307, including allowing an individual to seal his or her record if an arrest was incorrectly attributed to him or her and fingerprints or identification was not presented by the person being arrested. Additionally, D.C. Law 19-319 permits individuals arrested as fugitive from justices (i.e. individuals with outstanding warrants) to seal the record of that arrest once they have appeared before the proper authorities.

(c) For the cases in which D.C. Law 19-319 expanded the availability of record sealing, although the legislation outlined the factors the court shall consider in determining whether to grant an individual’s petition to seal his or her record, it did not establish who has the burden of proof or what level of proof is required in these cases. In all other criminal record sealing cases, the statute establishes the burden of proof.

(d) To avoid any uncertainty as to the Council’s intent, the Council passed emergency legislation on June 18, 2013, the Criminal Record Sealing Emergency Act of 2013, effective July 1, 2013 (D.C. Act 20-099; 60 DCR 10009). This legislation provides that for cases involving the misidentification of an individual, the prosecutor must establish by a preponderance of the evidence that it is not in the interests of justice to grant an individual’s petition to seal his or her

## ENROLLED ORIGINAL

record. In cases involving an individual arrested as a fugitive of justice, the petitioner must establish by a preponderance of the evidence that it is the interest of justice to grant relief.

(e) D.C. Act 20-099 expires on September 29, 2013. Temporary legislation, signed by the Mayor on August 9, 2013 (D.C. Act 20-154; 60 DCR 12149), which is identical to the emergency legislation, received 2nd reading at the July 10, 2013, Legislative Meeting, but the 30-day Congressional review period for that legislation has yet to expire. A permanent version of the legislation is included in the Personal Property Robbery Prevention Amendment Act of 2013, passed on 1st reading on July 10, 2013 (Engrossed Version of Bill 20-143) at the July 10, 2013, Legislative Meeting.

(f) This Congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Record Sealing Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Workers' Compensation Act of 1979 to match federal statute of limitations for private-sector employees who are injured at work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workers' Compensation Statute of Limitations Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) Previously, under District law, a private-sector employee who was injured on the job had only 6 months to file a lawsuit against the party responsible for the employee's injury. After 6 months, the injured worker's rights to recover damages were automatically assigned to the employee's employer and its insurance company.

(b) A 6-month time limit to file a lawsuit is often too short for District residents who are injured on the job to investigate cases and respond to significant life issues following their at-work accidents. Moreover, the injured worker's employer and the employer's insurance company may not take action or have the interests of the injured worker in mind when doing so.

(c) If an individual were injured in a District location other than a workplace, the individual would have 3 years to file a lawsuit against the party responsible for the injury, as the standard 3-year statute of limitations for negligence would apply.

(d) The District's private-sector workers' compensation statute, which was enacted in 1979, was modeled on the federal Longshore and Harbor Workers' Compensation Act ("LHWCA").

(e) In 1984, Congress changed the corresponding section of the LHWCA. Under federal law, if an injured employee does not file a lawsuit within 6 months, the employee's rights to do so are still automatically assigned to the employee's employer and its insurance company; however, if the employer and its insurance company do not take action within 90 days, the right to sue automatically reverts back to the injured employee.

(f) Although the District's private-sector workers' compensation statute was modeled on the LHWCA, the District statute was not amended to reflect the 1984 amendment to the LHWCA until recently. Because of this, District residents who were injured on the job

**ENROLLED ORIGINAL**

previously had only 6 months to file a lawsuit, while residents who are injured outside of the workplace have 3 years to commence legal action.

(g) As a result of this inequity, the Council recently enacted emergency legislation that amended the District's private-sector workers compensation statute to match the federal law on which it was based. With this change, if an injured employee does not file a lawsuit against the party responsible for the employee's injury within 6 months, the right to sue still automatically transfers to the employee's employer and its insurance company; however, as under federal law, if the employer and its insurance company do not take action within 90 days, the right to sue will revert back to the injured employee, and the District's standard 3-year statute of limitations will apply.

(h) In addition to matching federal law, the emergency legislation made the District's statute of limitations for injured workers similar to laws in neighboring jurisdictions. In Maryland, the statute of limitations for injured workers to file suit is 3 years. In Virginia, the statute of limitations is 2 years.

(i) The emergency legislation, which was enacted on June 18, 2013, expires on September 25, 2013, and the accompanying temporary legislation will not take effect until November 1, 2013. Consequently, this Congressional review emergency is needed to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Workers' Compensation Statute of Limitations Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-272

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Vending Regulation Act of 2009 to allow the Council to vote to approve in whole or in part the proposed regulations for that act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Vending Regulation Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In June, the Council enacted the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534) (“emergency legislation”), and in July, the Vending Regulation Temporary Amendment Act of 2013, signed by the Mayor on July 17, 2013 (D.C. Act 20-112; 60 DCR 11102) (“temporary legislation”), which amended the Vending Regulation Act of 2009 to allow the Council to vote to approve in whole or in part the proposed regulations for that act.

(b) The emergency legislation will expire on September 17, 2013, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Vending Regulation Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

20-273

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain property owned or leased by YMCA of Metropolitan Washington or YMCA Community Investment Initiative, nonprofit organizations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "YMCA Community Investment Initiative Real Property Tax Exemption Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) Young Men's Christian Association of Metropolitan Washington ("YMCA"), a tax-exempt 501(c)(3) organization, is the tenant under a long-term lease ("Lease") with the YMCA Community Investment Initiative ("YMCA CII") Anthony Bowen YMCA located at 1325 W Street, N.W., described as Lot 2010, Square 234 in Ward 1.

(b) YMCA closed on permanent financing for the new Anthony Bowen YMCA through the New Markets Tax Credit ("NMTC") program, administered by the U.S. Treasury Department.

(c) The NMTC program requires that the borrower must own the property being financed. For this reason, YMCA has formed a subsidiary, YMCA Community Investment Initiative, to be the borrower. At closing on the NMTC financing, YMCA will assign its interest in the Lease to the YMCA subsidiary, which will immediately sublease the property to YMCA.

(d) YMCA is currently exempt from District of Columbia real property, possessory interest, recordation, and transfer taxes with respect to the YMCA subsidiary. However, the YMCA subsidiary is not.

(e) Without real property, possessory interest, transfer, and recordation tax exemptions for the YMCA subsidiary, the YMCA would be forced to incur enormous, unanticipated taxes in connection with the NMTC loan transition.

(f) D.C. Official Code § 47-1024 expressly states that "[a]ll property belonging to the Young Men's Christian Association of the District of Columbia, used and occupied by that Association, shall, so long as the same is so owned and occupied, be exempt from taxation, national and municipal...".

(g) The financing transaction, for the purposes of utilizing federal credits, is wholly consistent with the intent of that statute.

**ENROLLED ORIGINAL**

(h) YMCA will not profit from the NMTC structure described above. The only reason for this structure is because it is required under the NMTC program.

(i) YMCA currently owns the YMCA subsidiary property and thus is exempt from real property, possessory interest, recordation, and transfer taxes with respect to the YMCA subsidiary property.

(j) After the NMTC financing closes, YMCA will continue to own the YMCA subsidiary and will operate the Anthony Bowen YMCA facility to carry out its charitable activities in the U Street/Cardozo/Shaw neighborhoods and beyond.

(k) The transaction is revenue neutral to the District as the property will continue to be owned, used, and controlled by YMCA, which would ordinarily benefit from the provisions of District of Columbia Official Code § 47-1024.

(l) Emergency legislation relating to this issue expired on August 26, 2013, and temporary legislation to be approved by Congress is not projected to take effect until October 21, 2013, resulting in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the YMCA Community Investment Initiative Real Property Tax Exemption Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to amend Chapter 13 of Title 47 of the District of Columbia Official Code to freeze any July 2013 tax sale that has occurred of a resident’s real property who is a senior citizen, veteran, or disabled individual, to establish a \$2,000 threshold of taxes owed for any real property to go to a tax sale, to require the District to pay the owner of record before the tax sale any amount received by the District at the tax sale in excess of the amount of taxes due to the District, and to cap attorney fees at \$1,500.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District Real Property Tax Sale Emergency Declaration Resolution of 2013”.

Sec. 2. (a) The emergency legislation will cancel any July 2013 tax sale that has occurred of real property owned by a District of Columbia resident who is a senior citizen, veteran, or disabled individual, require the District to pay to the owner of record before a tax sale the difference between the amount the owner owed the District in taxes and the amount paid by the new owner, cap attorney fees at \$1,500, and establish a \$2,000 threshold of taxes owed before real property can to go to tax sale.

(b) Emergency legislation is necessary to establish these equitable measures in law immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District Real Property Tax Sale Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the Council's support of the Fair Minimum Wage Act of 2013 and to acknowledge the need for a fair and living wage for Americans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the Fair Minimum Wage Act Emergency Declaration Resolution of 2013".

Sec. 2. The Council finds that:

(1) The Fair Minimum Wage Act of 2013 would increase the federal minimum wage to \$10.10 over a 3-year period.

(2) Many low-wage workers, including those living in the District, are forced to rely on government assistance to support themselves and their families even though they have a full-time job.

(3) The passage of the Fair Minimum Wage Act of 2013 is a crucial step in providing support for the millions of Americans who are affected by the low minimum wage.

(4) The Council's show of support is necessary to encourage Congress to pass the Fair Minimum Wage Act of 2013.

(5) It is critical that the problems faced by many District residents as well as many other Americans due to wages that do not match the cost of living are addressed swiftly.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council in Support of the Fair Minimum Wage Act Emergency Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the sense of the Council in support of the federal Fair Minimum Wage Act of 2013, recognizing that this measure will improve the lives of many Americans, including the residents of the District of Columbia, and that this is a much-needed step towards supporting low-wage workers across the country.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of the Fair Minimum Wage Act Emergency Resolution of 2013”.

Sec. 2. The Council finds that:

(1) In March of 2013, Representative George Miller and Senator Tom Harkin introduced the Fair Minimum Wage Act of 2013.

(2) The minimum wage has lost more than 30% of its value and would be \$10.55 per hour if it had kept pace with the cost of living over the last 40 years.

(3) The bill proposes to raise the national minimum wage from the current minimum wage of \$7.25 to \$10.10 in 2 years using 3 95-cent increases to the minimum wage.

(4) More than 30 million workers would receive a raise if the Fair Minimum Wage Act of 2013 is passed.

(5) Three years after the first increase, and annually thereafter, the bill proposes that the amount of the minimum wage will be determined by increases in the consumer price index.

(6) The bill proposes that the minimum wage for tipped employees should be raised to \$3.00 an hour from today’s minimum wage of \$2.13.

(7) The federal minimum wage has not been raised since 1991.

(8) This measure will raise the minimum wage to keep pace with the cost of living, starting in 2016.

(9) Many low-wage workers are unable to support themselves without government assistance even though they have a full-time job.

(10) This bill would increase the minimum wage in the District to \$11.10 an hour in 3 years, as the minimum wage in the District is \$1 higher than the national average.

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(11) Studies have shown that raising low wages can create jobs due to low-wage workers being more apt to spend money when they are receiving higher pay.

(12) Higher wages would help to boost the economy both in the District and throughout the country.

(13) The passage of the Fair Minimum Wage Act of 2013 will signify a trend toward providing all Americans with the opportunity to provide for their families without having to choose between necessities.

(14) The citizens of the District will greatly benefit from the passage of the Fair Minimum Wage Act of 2013.

(15) The Fair Minimum Wage Act of 2013 will provide much-needed support to low-wage workers throughout the country.

Sec. 3. It is the sense of the Council that the passage of the Fair Minimum Wage Act of 2013 will be beneficial to the citizens of the District and will create more jobs and stimulate the economy.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Secretary to the United States Senate, the Clerk of the U.S. House of Representatives, the Committee Chair and Ranking Member of the Senate Health, Education, Labor and Pensions Committee, the Committee Chair and Senior Democratic Member of the House Education and Workforce Committee, and the Hon. Eleanor Holmes Norton, Member of Congress representing the District of Columbia.

Sec. 5. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-277

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to make minor, technical, and clarifying amendments to various budget-related provisions of law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2014 Budget Support Technical Clarification Emergency Declaration Resolution of 2013".

Sec. 2. (a) On June 26, 2013, the Council passed the Fiscal Year 2014 Budget Support Act of 2013, signed by the Mayor on August 28, 2013 (D.C. Act 20-157; 60 DCR 12472). The Fiscal Year 2014 Budget Support Act of 2013 is projected to become effective at some point during the fall of 2013.

(b) Following the passage of the Fiscal Year 2014 Budget Support Act of 2013, staff at the Office of the Chief Financial Officer, the Office of Tax and Revenue, executive agencies, and the Council identified certain provisions in the Fiscal Year 2014 Budget Support Act of 2013, provisions of law that were amended by the Fiscal Year 2014 Budget Support Act of 2013, as well as related provisions that need to be clarified or amended to effectuate their intent.

(c) The proposed modifications include conforming amendments, clarifying provisions, and other minor amendments of a technical nature that must go into effect immediately to clarify the law and implement the Fiscal Year 2014 Budget and Financial Plan as approved by the Council and the Mayor.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-278

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to require the Office of the Chief Financial Officer to review all residential real property tax liens sold between September 1, 2003, and September 1, 2013, to consider whether any real property foreclosed upon after a tax lien of less than \$2,500 was sold as the result of excusable neglect or other equitable circumstances warranting relief, to identify what type of relief would provide substantial justice to individuals whose properties were improperly sold, and to submit a report on these matters to the Council by January 31, 2014.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tax Lien Compensation and Relief Reporting Emergency Declaration Resolution of 2013”.

Sec. 2. (a) Last week, the Washington Post (the “Post”) published the results of an in-depth investigation into the District’s real property tax sale process. The *Post* documented numerous instances where seniors, veterans, persons with disabilities, and other vulnerable residents lost their homes and forfeited tens of thousands of dollars in equity after predatory companies purchased liens from relatively small amounts of unpaid taxes.

(b) In addition to freezing the sale of tax liens and improving the procedures and management of this process, there is an urgent need to understand the breadth of the problem disclosed by the *Post* and the extent and equity of the harms created.

(c) This emergency legislation would direct the Office of the Chief Financial Officer’s (“OCFO”) Office of Integrity and Oversight to broadly review all residential real property tax liens sold between September 1, 2003 and September 1, 2013, and to conduct a detailed review of the circumstances of the sales of real property tax liens under \$2,500 that occurred within this time period. It would require the OCFO to submit a report to the Council by January 31, 2014 on these claims and what remedies would be appropriate.

(d) This emergency legislation is necessary for the Council and the District to have a complete understanding of the problems that occurred and how the District can provide substantial justice to the residents that were unfairly harmed by this process.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the



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Tax Lien Compensation and Relief Reporting Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-279

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to amend Title 31 of the District of Columbia Municipal Regulations to amend the vehicle requirements for livery class vehicles used in for-hire service and to clarify the applicability of jurisdictional requirements; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to require the District of Columbia Taxicab Commission industry panel to recommend rules and modifications to established rules for classes of for-hire and ride-sharing vehicles, and to implement interim requirements for ride-sharing services pending commission rulemaking.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Livery Class Regulation and Ride-Sharing Emergency Declaration Resolution of 2013”.

Sec. 2. (a) Since 2011, for-hire transportation options in the District have increased dramatically. Consumers have an increasing number of ways to travel throughout the city. The ubiquity of mobile devices with sophisticated web or application-based platforms has also dramatically changed the way that individuals move around the city, particularly regarding for-hire transportation services like taxicabs and limousines as passengers can now request vehicles through their mobile phone applications. In light of these sweeping changes, many of the laws, rules, and regulations surrounding the for-hire industry needed to be reevaluated.

(b) In 2012, the Council passed the Public Vehicle-for-Hire Innovation Amendment Act of 2012 (“Innovation Act”), which ensured that innovative for-hire transportation services in the District would be able to freely operate. This law provided basic consumer protections for passengers and ensured that the regulatory authority granted to the District of Columbia Taxicab Commission (“Commission”) was narrowly tailored to implement the basic consumer protections provided in the law. However, the Commission’s recent rulemaking regarding colors, sizes, and types of vehicles that may be used in sedan and limousine class service (livery service) in the District does not serve the ultimate consumer protection goals of the Innovation Act. These rules limit the types of vehicles to larger, luxury sedans, and exclude smaller, more fuel efficient options for consumers, without a convincing consumer protection rationale.

(c) The Commission’s rules do the exact opposite of what the Innovation Act intended. Rather than encouraging customer choice and innovative transportation services, the Commission

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has eliminated entire colors, sizes, and classes of vehicles that may be operated as a sedan (e.g., the Toyota Prius). Many of these vehicles are currently operating in the District without incident. The Commission's rules discourage innovative transportation choices and send the symbolic message that the District is uninterested in ensuring competition and consumer choice in for-hire services. This emergency legislation is necessary to ensure that these rules are eliminated.

(d) Additionally, the Commission recently created a panel to analyze and study different classes of service available in the District and how best to regulate these classes of service, including ride-sharing services (companies or organizations that use a website or application-based platform to connect passengers to drivers using their person, non-commercial vehicles). These ride-sharing services have proliferated recently in the District, and the Commission must address how these new services should be regulated, if at all. The Council should not impede this important work; however, in the interim period it is necessary to implement basic consumer protections until the Commission concludes its analysis and issues rulemaking. Therefore, this legislation not only sets out basic parameters under which ride-sharing services must operate in the interim period, but also sets a January 2014 deadline for the Commission's panel to submit its recommendations to the full Commission. This emergency legislation is necessary to ensure that the Commission moves as swiftly as possible, and that consumers are protected in the interim.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Livery Class Regulation and Ride-Sharing Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to exempt Advisory Neighborhood Commissioners from the confidential disclosure of financial interest requirement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In 2011, the Council strengthened the District’s ethics laws considerably.

(b) The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011 (“Ethics Reform Act”) established the Board of Ethics and Government Accountability (“Board”), which enforces the District’s ethics laws.

(c) The Board has rigorously enforced the new laws set forth in the Ethics Reform Act.

(d) It has come to the attention of the Council that a provision in the Ethics Reform Act should be amended immediately.

(e) The Ethics Reform Act established a new requirement that Advisory Neighborhood Commissioners file the same confidential financial disclosure required of Councilmembers and the Mayor.

(f) The rationale for this provision at the time the Ethics Reform Act was passed was that all elected and appointed public officials should be required to disclose all sources of income as a check against misbehavior, and financial disclosures serve as a check against the improper trading of this authority and influence.

(g) However, the role of ANC Commissioners is fundamentally different than the role of Councilmembers or high-ranking officials.

(h) ANC Commissioners do not vote or effect policy or decision-making in the same, direct way as do other public officials.

(i) Moreover, the intrusive nature of the financial disclosure requirement may deter ANC Commissioners—who serve voluntarily—from continuing to serve.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to amend the Performance Parking Pilot Zone Act of 2008 to prohibit the issuance of citations to vehicles displaying a visitor parking pass valid as of September 30, 201 if the vehicle displaying the pass is parked legally and in the designated zone, to maintain current operating procedures by requiring the Mayor, 30 days before the expiration of visitor permit passes, to automatically, on an annual basis, mail replacement visitor permit passes to residents who were issued passes before September 30, 2013, irrespective of whether a request has been made for a pass and at no cost to the recipients, and to prohibit the issuance of a visitor permit pass to a resident who was ineligible to receive a visitor permit pass as of September 15, 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Visitor Parking Pass Preservation Emergency Declaration Resolution of 2013”.

Sec. 2. (a) On August 9, 2013, the District Department of Transportation (“DDOT”) published a notice of proposed rulemaking, the subject of which would alter the existing Visitor Parking Pass (“VPP”) program.

(b) The VPP program is designed to allow guests of District residents to park for more than 2 hours on Residential Permit Parking (“RPP”) blocks.

(c) All District residents residing on RPP blocks in Wards 3, 4, and 5, and residents residing in specific areas of Wards 1 and 6, automatically receive a new VPP pass each year.

(d) The VPP is an “opt-in” program that recognizes that different Wards and neighborhoods have different parking needs.

(e) For instance, residents in densely populated areas of the District—such as Georgetown and Dupont Circle—do not participate in the VPP because doubling the number of vehicles authorized to park on RPP streets would overburden a scarce resource.

(f) In contrast, in RPP areas of the city that are not as densely populated and where parking is not as scarce, residents prize the convenience of the VPP program.

**ENROLLED ORIGINAL**

(g) DDOT’s August 9, 2013 proposed regulations would end this tailored approach for a clumsy, “one-size fits all” policy that would create 3 problems.

(h) First, residents who now receive a VPP automatically would have to proactively request one in the future, which would be an unnecessary inconvenience.

(i) Second, residents in densely populated areas of the District who have actively rejected VPP in their neighborhoods would be overburdened with vehicles.

(j) Third, extending VPP to densely populated areas where parking is scarce and thus valuable invites fraud and abuse.

(k) The proposed regulations are opposed by many Advisory Neighborhood Commissions and civic organizations.

(l) The VPP in its current form is set to expire on September 30, 2013 unless action is taken to extend the program as it exists currently.

(m) The associated emergency and temporary legislation will preserve the status quo and prohibit the expansion of the program to areas that were not eligible as of September 15, 2013.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-282

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve modifications to Contract No. DCFL-2006-D-0011 with ARAMARK Correctional Services, LLC to provide the food service programs at the District's Central Detention and Correctional Treatment Facilities and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFL-2006-D-0011 Modifications Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 10, 11, 14, 15, 17, 18, and 19 to Contract No. DCFL-2006-D-0011 with ARAMARK Correctional Services, LLC ("ARAMARK"), to provide the food service programs at the District's Central Detention and Correctional Treatment Facilities and to authorize payment for the services received under that contract.

(b) On December 29, 2011, by Modification No. 10, the Office of Contracting and Procurement ("OCP"), on behalf of the Department of Corrections, extended the contract with ARAMARK to provide the food service programs at the District's Central Detention and Correctional Treatment Facilities from January 1, 2012, to February 28, 2012, in an amount not to exceed \$715,740.15.

(c) On February 28, 2012, by Modification No. 11, the OCP extended the contract from February 29, 2012, to March 31, 2012, in an amount not to exceed \$783,301.11.

(d) On March 30, 2012, by Modification No.14, the OCP extended the contract from April 1, 2012, to April 30, 2012, in an amount not to exceed \$314,343.00.

(e) On April 30, 2012, by Modification No.15, the OCP extended the contract from May 1, 2012, to June 30, 2012, in an amount not to exceed \$639,164.00.

(f) On June 26, 2012, by Modification No. 17, the OCP extended the contract from July 1, 2012, until December 31, 2012, in an amount not to exceed \$1,927,970.40.

(g) On January 30, 2012, by Modification No. 18, the OCP extended the contract from January 1, 2013, until January 31, 2013, in an amount not to exceed \$314,821.00.

(h) On January 30, 2012, by Modification No. 19, the OCP extended the contract from February 1, 2013, until February 28, 2013, in an amount not to exceed \$314,821.00.



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(i) The total amount for the period from January 1, 2012, through February 28, 2013, is \$3,538,678.16.

(j) Council approval is necessary since the contract is more than \$1 million during a 12-month period.

(k) Without this approval, ARAMARK cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFL-2006-D-0011 Modifications Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Modification No. M005 to Contract No. DCFA-2009-C-2292 with PFC Associates, LLC, to provide occupational and emergency medical services, in a managed care environment, for up to 6,600 covered employees, primarily in the Metropolitan Police Department and Fire and Emergency Medical Services Department, and to authorize payment for the services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCFA-2009-C-2292 Modification No. M005 Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2. (a) There exists an immediate need to approve a contract modification to provide occupational and emergency medical services to the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and covered law enforcement and public safety personnel of partner District and federal agencies that receive medical services under Contract No. DCFA-2009-C-2292.

(b) The Office of Contracting and Procurement (“OCP”), on behalf of the Metropolitan Police Department, awarded a contract to PFC Associates, LLC, on July 13, 2010, to provide these services. The term of the contract was for 3 base years and 2 option years.

(c) On June 28, 2013, OCP issued Modification No. M005 that exercised Option Year One for the period July 1, 2013, through June 30, 2014, for an amount not to exceed \$12,629,255.00.

(d) OCP now seeks Council approval for Modification No. M005, thereby approving the exercise of Option Year One for the period July 1, 2013, through June 30, 2014, in an amount not to exceed \$12,629,255.00.

(e) Council approval is necessary to allow the District to continue to receive the benefit of these critical services from PFC Associates, LLC.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFA-2009-C-2292 Modification No. M005 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

**ENROLLED ORIGINAL**

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Change Order No. 004 to Contract No. GM-11-M-0912-FM between the District of Columbia government and Parkinson/Grunley Community Builders Joint Venture, LLC, for construction management at risk services at Moten Elementary School, and to authorize payment to Parkinson/Grunley Community Builders Joint Venture, LLC, in the amount of \$1,500,000 for the goods and services received under Change Order No. 004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order No. 004 to Contract No. GM-11-M-0912-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2. (a) There exists an immediate need to approve Change Order No. 004 to Contract No. GM-11-M-0912-FM for construction management at risk services, additional project scope, outstanding change requests, and the partial close-out of the project at Moten Elementary School, and to authorize payment in the amount of \$1,500,000 for the goods and services received under this change order.

(b) The Council of the District of Columbia Council previously approved Contract No. GM-11-M-0912-FM with an initial not-to-exceed value of \$2,274,420 (CA 19-0260). Thereafter, the Council approved Change Order No. 002 to the Contract which established a lump sum price of \$20,400,000. The Council also approved Change Order No. 003 to the Contract which added additional scope work and increased the contract value by \$2,207,944.08. Change Order No. 004 in the amount of \$1,500,000 would increase the contract value, since the Council’s last approval, over \$1 million pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51); thus, Council approval is required.

(c) Approval of Change Order No. 004 to Contract No. GM-11-M-0912-FM in the amount of \$1,500,000 is necessary to compensate Parkinson/Grunley Community Builders Joint Venture, LLC, for work completed at Moten Elementary School.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 004 to Contract No. GM-11-M-0912-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-285

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Contract No. DCHT-2013-C-0034 to provide managed care services to the District and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHT-2013-C-0034 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHT-2013-C-0034 to provide managed care services to the District and to authorize payment for the services received under that agreement.

(b) The Office of Contracting and Procurement ("OCP"), on behalf of the Department of Health Care Finance, awarded Contract No. DCHT-2013-C-0034 to Unison Health Plan National Capital Area, Inc., d/b/a United Healthcare Community Plan in the amount of \$36,269,449.00 for the period of May 1, 2013, through June 30, 2013.

(c) OCP awarded Contract No. DCHT-2013-C-0034 on an emergency basis to provide for continuation of managed care services during the transition period to a new contractor as a result of a competitive long-term procurement.

(d) Council approval is necessary because the value of Contract No. DCHT-2013-C-0034 is more than \$1,000,000 during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Unison cannot be paid for services provided in excess of \$1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHT-2013-C-0034 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-286

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Task Order No. 5, Purchase Order No. PO447598-V2, Task Order No. 6, and Task Order No. 7 to Human Care Agreement No. DCHC-2011-H-0002 to provide women, infants, and children nutrition services and to authorize payment for the services received under that agreement during option year one.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Option Year One Orders to Human Care Agreement DCHC-2011-H-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Task Order No. 5, Purchase Order No. PO447598-V2, Task Order No. 6, and Proposed Task Order No. 7 to Human Care Agreement No. DCHC-2011-H-0002 to provide women, infants, and children nutrition services and to authorize payment for the services received under that agreement.

(b) On August 26, 2011, the Office of Contracting and Procurement ("OCP") awarded Human Care Agreement No. DCHC-2011-H-0002 to Unity Healthcare, Inc.

(c) During the first option year, OCP issued Task Order No. 5 in the amount of \$737,571.35, Purchase Order No. PO447598-V2 in the amount of \$27,000.00, and Task Order No. 6 in the amount of \$233,425.30 under Human Care Agreement No. DCHC-2011-H-0002.

(d) OCP now proposes to issue Task Order No. 7 in the amount of \$277,151.00 which will increase the total not-to-exceed amount for the first option year to \$1,275,147.65.

(e) Council approval is necessary to allow the continuation of these vital services since these orders increase the value of Human Care Agreement No. DCHC-2011-H-0002 to more than \$1,000,000 during a 12-month period.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Option Year One Orders to Human Care Agreement DCHC-2011-H-0002 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. CW18963 with Xerox Corporation to lease copiers and provide associated maintenance services and applicable accessories to multiple District agencies.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW18963 Emergency Declaration Resolution of 2013”.

Sec. 2. (a). The Office of Contracting and Procurement, on behalf of multiple District agencies, proposes to enter into a multiyear agreement with Xerox Corporation to lease copiers and provide associated maintenance services and applicable accessories to multiple District agencies.

(b) The estimated not-to-exceed amount under this multiyear contract with Xerox Corporation is \$25,000,000.00.

(c) Approval is necessary to allow the District to receive the benefit of these vital services from Xerox Corporation.

(d) These critical services can only be obtained through an award of the multiyear contract with Xerox Corporation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW18963 Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

20-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To approve, on an emergency basis, multiyear Contract No. CW18963 with Xerox Corporation to lease copiers and provide associated maintenance services and applicable accessories to multiple District agencies.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW18963 Emergency Approval Resolution of 2013”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. CW18963, a multiyear contract with Xerox Corporation to lease copiers and provide associated maintenance services and applicable accessories to multiple District agencies, in the amount of \$25,000,000.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to authorize the issuance of additional revenue bonds of the District of Columbia payable from and secured by individual income tax and business franchise tax revenues for the purposes of financing capital projects of the District government.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Income Tax Secured Bond Authorization Emergency Declaration Resolution of 2013”.

Sec. 2. Emergency legislation is necessary to ensure that the District can borrow in a timely manner and take advantage of favorable market conditions to provide funding for or to reimburse the District for funds already expended on the fiscal year 2014 capital projects approved and undertaken pursuant to the District’s Fiscal Year 2014 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Income Tax Secured Bond Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20- 290

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Modifications No. 001 and 002 to Contract No. CW15543 to provide snow and ice removal services and to authorize payment for services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications No. 001 and 002 to Contract No. CW15543 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve the modification to the contract with Capitol Paving of D.C., Inc., to provide snow and ice removal services and to authorize payment for services received and to be received under that contract.

(b) On July 31, 2013, the Office of Contracting and Procurement ("OCP") exercised a partial option on the contract with Capitol Paving of DC, Inc. for the period of August 1, 2013 through October 31, 2013. The estimated amount of the contract for the partial option period was to not exceed \$900,000.00.

(c) Council approval is necessary since the anticipated contract amount for the full option period (August 1, 2013 through July 31, 2014) is an estimated amount of \$2,183,800.00.

(d) Council approval is necessary to allow the continuation of these vital services. Without Council approval, the District would not have resources available to clear snow and ice from roadways in the National Highway System during a snow event.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications No. 001 and 002 to Contract No. CW15543 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-291

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Modification No. 1 to Contract No. DCKA-2013-C-0137 with Xerox State and Local Solutions, Inc., and to authorize payment for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 1 to Contract No. DCKA-2013-C-0137 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Modification No. 1 to Contract No. DCKA-2013-C-0137 for parking meter management services to the District Department of Transportation ("DDOT") and to authorize payment for services received and to be received under this contract.

(b) On July 1, 2013, DDOT's Office of Contracting and Procurement awarded a 2-month sole source contract (DCKA-2013-C-0137) to Xerox State and Local Solutions, Inc. ("Xerox") for parking meter management services. The District seeks Council approval of Modification No. 1 which increased the funding to \$1.8 million and extended the contract to November 1, 2013. DDOT has attempted to provide a replacement contract for a base year with 4 one-year options, but this contract has been stayed by a protest filed before the District's Contract Appeals Board ("CAB") on September 24, 2012. Although the CAB issued a decision in the protest on June 28, 2013, the decision has been appealed by the D.C. Court of Appeals.

(c) Council approval is necessary because this modification increases the contract by more than \$1 million during a 12-month period. Council approval is also necessary to allow the continuation of these vital services and to allow Xerox to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 1 to Contract No. DCKA-2013-C-0137 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-292

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To declare the existence of an emergency with respect to the need to approve Contract No. CWI 7400 to provide loan servicing, loan collection, and foreclosure services for District residents' loans under various Department of Community Housing and Development programs and to authorize payment for services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CWI7400 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Contract No. CWI7400 with AmeriNational Community Services, Inc. ("AmeriNational") to provide loan servicing, loan collection, and foreclosure services for District residents' loans under various Department of Housing and Community Development ("DHCD") programs and to authorize payment for services received and to be received under that contract.

(b) On October 3, 2012, the Office of Contracting and Procurement ("OCP"), on behalf of DHCD, entered into Contract No. CWJ 7400 with AmeriNational to provide loan servicing, loan collection, and foreclosure services for District residents' loans under various DHCD programs from October 3, 2012 through October 2, 2013 in an amount not to exceed \$750,000.00.

(c) On June 7, 2012, by Modification No. 2, OCP increased the contract ceiling amount to \$999,000.00.

(d) OCP now desires to increase the contract ceiling amount to \$14 million for the period from October 3, 2012 through October 2, 2013.

(e) Council approval is necessary since the contract is more than \$1 million during a 12-month period.

(f) Council approval is also necessary to allow the continuation of these vital services. Without this approval, AmeriNational cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CWI7400 Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-293

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2013

To adopt the findings, conclusions, and recommendations from the Committee Report of the Ad Hoc Committee In Re: Marion Barry, to formally censure Councilmember Marion Barry for the conduct referenced in the Committee Report that violated Council Rule 202, several provisions of the Council's Code of Official Conduct, and the District's Ethics Act, and to recommend removal of Councilmember Marion Barry as the Chairperson of the Council's Committee on Workforce and Community Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Censure of Councilmember Marion Barry Resolution of 2013".

Sec. 2. (a) In adopting its first Code of Official Conduct in 2009, the Council of the District of Columbia (the "Council") declared its commitment "to ensure the full public confidence that representative government requires and recognize [sic] that public office is a public trust, to commit the Council to the highest standards of ethics, honesty, openness, and integrity, and to consistent adherence to these values" (the Council Code of Official Conduct Rules Amendment Resolution of 2009, effective September 22, 2009 (Res. 18-248; 56 DCR 7804)). The Council now adopts a Code of Official Conduct (the "Conduct Rules") at the beginning of each Council Period.

(b) Rule 202(a) of the Rules of Organization and Procedure for the Council of the District of Columbia (the "Council Rules") requires Councilmembers and staff to "maintain a high level of ethical conduct in connection with the performance of their official duties" and to "refrain from taking, ordering, or participating in any official action that would adversely affect the confidence of the public in the integrity of the District government." Further, "Councilmembers and staff shall strive to act solely in the public interest and not for any personal gain or take an official action on a matter as to which they have a conflict of interest created by a personal, family, client, or business interest, avoiding both actual and perceived conflicts of interest and preferential treatment."

(c) In 2011, the Council adopted the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*) ("Ethics Act"). to, among other things, create a Board of Ethics and Government Accountability ("BEGA") and codify a Code of Conduct for the District government. Among BEGA's responsibilities is the administration and

## ENROLLED ORIGINAL

enforcement of the District's Code of Conduct. BEGA's findings and official actions, including the censure of a Councilmember, are instructive for the Council in the enforcement of its own standards of conduct.

(d) Rule III(a) of the Council's Conduct Rules for Council Period 20 prohibits an employee from soliciting or accepting, either directly or indirectly, gifts from prohibited sources. Conduct Rule III(f)(2) defines a "prohibited source" as:

[A]ny person or entity that (A) Has or is seeking to obtain contractual or other business or financial relations with the District government; (B) Conducts operations or activities that are subject to regulation by the District government; or (C) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.

(e) With respect to conflicts of interest, Conduct Rule I(a) prohibits an employee from the following:

[Using] his or her official position or title, or personally and substantially [participating], 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 [attempting] 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.

(f) Conduct Rule I(c)(1) establishes the procedures that must be followed when a Councilmember has a conflict of interest with respect to his or her official duties. The rule requires a Councilmember to prepare and deliver a recusal statement. To do so, the Councilmember must 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 the statement to the Council Chairman.

(g) Conduct Rule I(c)(3) specifies that upon receipt of such a disclosure, and during a proceeding in which an elected official would otherwise be required to act upon a matter in which he or she is conflicted, the Chairman must: (A) read a statement explaining a member's conflict into the record of proceedings and (B) excuse the elected official from the proceedings.

(h) Conduct Rule I(c)(3)(C) further states that "[n]o Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter, in a manner that 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."

Sec. 3. (a) On May 15, 2013, Councilmember Marion Barry submitted to BEGA a public financial disclosure statement indicating that in 2012 he accepted gifts from 2 prohibited sources: \$2,800 from Forney Enterprises, Inc., and \$4,000 from F&L Construction, Inc. Each company, and their principals, is a prohibited source under both District law and the Council's Conduct Rules because they hold contracts with the District of Columbia.

## ENROLLED ORIGINAL

(b) Based on Councilmember Barry's disclosure, BEGA initiated a preliminary investigation to determine whether his actions violated the District's Code of Conduct.

(c) Councilmember Barry cooperated with BEGA's investigation and entered into a Negotiated Disposition Agreement with BEGA on July 11, 2013. In its Negotiated Disposition Agreement, BEGA made the following findings:

(1) Councilmember Barry accepted gifts from 2 prohibited sources, Mr. Keith Forney and Mr. Freddie Winston, in violation of Conduct Rule III(a) (*see also* D.C. Official Code § 1-1161.01(46) and 6 DCMR § B1803.2).

(2) Councilmember Barry failed to disclose to the Council Chairman his conflict of interest stemming from his acceptance of gifts from prohibited sources. He further failed to provide written statements about the nature of his conflict of interest and did not recuse himself from votes, deliberations, and other actions of the Council related to the 2 prohibited sources. These omissions constitute a violation of the Council's Conduct Rules governing conflicts of interest (*see also* D.C. Official Code § 1-1162.23(c)).

(d) Councilmember Barry acknowledged that his conduct violated the District's Code of Conduct and agreed to be censured by BEGA and fined \$13,600.

Sec. 4. (a) Rule 652 of the Council Rules requires the establishment of an ad hoc committee in the event that BEGA censures a member of the Council. An ad hoc committee (the "Committee") was established by the Council Chairman on July 12, 2013. Pursuant to Rule 652, the Committee was charged with reviewing BEGA's findings, conducting an investigation if warranted, and reporting its findings and penalty recommendations, if any, to the Council within 45 days of being convened.

(b) The Committee reviewed BEGA's findings and case file and interviewed the Director of Government Ethics and his staff regarding BEGA's investigation. The Committee also interviewed Councilmember Barry and Mr. Keith Forney, principal of Forney Enterprises, Inc. The other prohibited source, Mr. Freddie Winston, owner of F&L Construction, Inc., declined through counsel to be interviewed by the Committee.

Sec. 5. (a) On September 16, 2013, the Committee unanimously approved the proposed resolution, the Censure of Councilmember Marion Barry Resolution of 2013. The Committee also unanimously approved the committee report (the "Report").

(b) In the Report, the Committee made the following findings:

(1) In 2012, Councilmember Barry received gifts of cash totaling \$6,800 from Mr. Keith Forney and Mr. Freddie Winston. The Committee concluded that the value of Mr. Forney's cash gifts totaled \$2,800 and Mr. Winston's cash gifts totaled \$4,000. The Committee concluded that all gifts in question were provided in cash. Report at 4.

(2) Mr. Forney, Forney Enterprises, Inc., Mr. Winston, and F&L Construction, Inc. were prohibited sources when Councilmember Barry accepted the gifts. A number of contracts awarded to both Forney Enterprises, Inc., and F&L Construction, Inc., came before the Council for approval between 2011 and 2013. The Committee therefore concluded that



## ENROLLED ORIGINAL

Councilmember Barry violated Conduct Rule III(a) prohibiting the acceptance or solicitation of gifts from prohibited sources. *Id.* at 6.

(3) The Committee found insufficient evidence to conclude that there was a quid pro quo arrangement associated with the gifts of cash from either prohibited source. *Id.* at 5.

(4) Because Councilmember Barry received gifts from Mr. Forney and Mr. Winston, he had a conflict of interest with respect to official matters affecting these individuals and the businesses they owned. *Id.* at 7.

(5) Due to his conflict of interest, Councilmember Barry was prohibited from voting on or advocating for the approval of contracts benefitting Mr. Forney and his business interests, and Mr. Winston and his business interests, because doing so would have had a direct and predictable effect on the financial interests of individuals closely affiliated with him. Mr. Forney and Mr. Winston can be considered closely affiliated with Councilmember Barry by virtue of their gift-giving relationships. *Id.* at 7.

(6) In May 2013, the Mayor transmitted to the Council 2 change-order and payment approval contracts (the “Forney Change Orders”) and corresponding emergency resolutions authorizing payment to Forney Enterprises, Inc., for work already completed on the Simon and Leckie elementary schools in Ward 8. *Id.* at 8.

(7) The Forney Change Orders and corresponding emergency resolutions were referred to the Council’s Committee on Government Operations, which has oversight over the construction of public school facilities managed by the Department of General Services. The Committee on Government Operations is chaired by Councilmember McDuffie. *Id.* at 9.

(8) Councilmember Barry’s staff contacted the Government Operations Committee Director to request that Councilmember Barry’s name be added to the Government Operations Committee memorandum that would be circulated to the Council requesting that the Forney Change Orders be placed on the June 4, 2013, legislative meeting agenda. As a result, Councilmember Barry’s name appeared on the meeting agenda as a movant of the Forney Change Orders and emergency declaration resolutions. *Id.* at 9, Attachment E.

(9) At the June 4, 2013, legislative meeting of the Council, Councilmember Barry was recorded as voting “Yes” in favor of the 2 emergency declaration resolutions authorizing the payment to Forney Enterprises, Inc. Councilmember Barry was recorded as voting “Present” on the underlying Forney Change Order contracts (CA19-0361 (Simon Elementary School) and CA19-0349 (Leckie Elementary School)). *Id.* at 9.

(10) Councilmember Barry’s vote of “Yes” on the emergency declarations and “Present” on the underlying contracts is a violation of the Conduct Rules I(a) and (c)(3), which prohibit a Councilmember from voting on a matter in which he or she has a conflict of interest. *Id.* Voting “Present” is not considered a recusal.

(11) The Committee also concluded that, with respect to the Forney Change Orders and emergency declaration resolutions, Councilmember Barry did not comply with the disclosure and recusal requirements of Council Conduct Rule I(c)(1) and I(c)(3)(A)-(B). Although he reported the gifts from Mr. Forney to BEGA in his May 15, 2013, public financial disclosure statement, Councilmember Barry failed to disclose his conflict of interest to the Council Chairman. Councilmember Barry did not provide a written statement outlining the

## ENROLLED ORIGINAL

nature of his conflict of interest, and he failed to recuse himself from votes, deliberations, and other actions on matters before the Council relating to Forney Enterprises, Inc. *Id.* at 9-10.

(12) The Committee also concluded that in co-moving the Forney Change Orders and participating in the vote, Councilmember Barry's actions had the effect of influencing the process of approving the bills where a party to the underlying contract had provided unlawful cash payments to him in the past in violation of Conduct Rule I(a). *Id.* at 10.

Sec. 6. The Council adopts the findings and recommendations in the Report.

Sec. 7. To maintain the confidence of the public in the integrity of the legislative branch of government, the Council:

(1) Expresses its disapproval of the actions of Councilmember Marion Barry as detailed in the Report and BEGA's Negotiated Disposition Agreement, and hereby censures Councilmember Marion Barry for committing acts in violation of the standards embodied in the Council's Conduct Rules and the District's Ethics Act; and

(2) Recommends that Councilmember Barry be removed as Chairperson of the Committee on Workforce and Community Affairs and be deemed ineligible to chair another committee for the remainder of Council Period 20.

Sec. 8. The Council shall transmit a copy of this resolution, upon its adoption, to Councilmember Marion Barry.

Sec. 9. This resolution shall take effect immediately.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at [www.dccouncil.us](http://www.dccouncil.us).

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| <b>COUNCIL OF THE DISTRICT OF COLUMBIA</b> | <b>PROPOSED LEGISLATION</b> |
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**BILLS**

B20-428      James E. Bunn Way Designation Act of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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B20-431      Transportation Infrastructure Mitigation Amendment Act of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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B20-432      Calvin and Wilhelmina Rolark Way Designation Act of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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B20-433      Police and Firemen’s Retirement and Relief Board Amendment Act of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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B20-434      Monsenor Oscar Romero Way Designation Act of 2013

Intro. 09-16-13 by Councilmembers Graham and Evans and referred to the Committee of the Whole

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**Bills Con't**

- B20-435      Nurse Staffing Agency Amendment Act of 2013
- Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- B20-437      Restaurant Public Assembly Permit Amendment Act of 2013
- Intro. 09-16-13 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety
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- B20-438      Minimum Wage and Accrued Sick and Safe Leave Amendment Act of 2013
- Intro. 09-16-13 by Councilmember Catania and referred to the Committee on Workforce and Community Affairs
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- B20-439      Closing of a Public Alley in Square 150, S.O. 13-10218, Act of 2013
- Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- B20-440      Retired District Employee Annuity Amendment Act of 2013
- Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- B20-460      Living Wage for All Act of 2013
- Intro. 09-17-13 by Councilmembers Wells, McDuffie, Cheh, Grosso, Alexander, Bonds, Barry and Chairman Mendelson and sequentially to the Committee on Finance and Revenue and the Committee on Workforce and Community Affairs
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- B20-466      Marijuana Legalization and Regulation Act of 2013
- Intro. 09-17-13 by Councilmember Grosso and referred sequentially to the following Committees for the sections specified: 1. Committee on Judiciary and Public Safety for the entire bill 2. Business, Consumer, and Regulatory Affairs for sections 6, 7, & 8 only 3. Committee on Finance and Revenue for section 9 only
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- B20-468      Anti-Shackling of Incarcerated Pregnant Women Act of 2013
- Intro. 09-17-13 by Councilmember Grosso and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Human Services
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**Bills Con't**

B20-483 Real Property Tax Sale Homeowner Protection Act of 2013

Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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**Proposed Resolutions**

PR20-411 Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR20-412 Motor Vehicle Inspection Regulation Approval Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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PR20-416 Commercial Loading Zone Rulemaking Approval Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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PR20-417 Director of the Department of Small and Local Business Development Robert N. Summers Confirmation Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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PR20-420 University of the District of Columbia Career, Educational, and Legal Service Non-Collective Bargaining Unit Employees Compensation System Changes Approval Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of UDC and referred to the Committee of the Whole

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PR20-424 Board of Architecture and Interior Designers Wanda Y. Sherrod Resolution of 2013

Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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**Proposed Resolutions Con't**

- PR20-425 Board of Dentistry Dr. Wesley D. Thomas Confirmation Resolution of 2013  
Intro 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-426 Board of Massage Therapy Pamela L. Birchett Confirmation Resolution of 2013  
Intro. 09-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-438 Rental Housing Commission Claudia McKoin Confirmation Resolution of 2013  
Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development
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- PR20-439 District of Columbia Board of Nursing Home Administration Sandra L. Douglass Confirmation Resolution of 2013  
Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-440 District of Columbia Board of Nursing Home Administration Christy Kramer Confirmation Resolution of 2013  
Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-441 Board of Veterinary Examiners Dr. Ashley A. Gallagher Confirmation Resolution of 2013  
Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-442 Commission on the Arts and Humanities Barbara J. Jones Confirmation Resolution of 2013  
Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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**Proposed Resolutions Con't**

PR20-443 Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2013

Intro. 09-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR20-444 Motor Vehicle Theft Prevention Commission Andrew Fois Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR20-445 Child Fatality Review Committee Jelani A. Freeman Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR20-446 Historic Preservation Review Board Donald Graham Davidson Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR20-447 Historic Preservation Review Board Nancy L. Pryor Metzger Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR20-448 Historic Preservation Review Board Maria Casarella Cunningham Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR20-449 Commission Re-Entry and Returning Citizen Affairs Louise Giesey White Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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**Proposed Resolutions Con't**

PR20-450 Commission Re-Entry and Returning Citizen Affairs Tracye Payne Wilson Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR20-451 Commission Re-Entry and Returning Citizen Affairs Ms. Jacqueline R. Williams Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR20-452 District of Columbia Board of Professional Counseling Ms. Lugarda Parra-Bencomo Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR20-453 Commission on African Affairs Ify Nwabukwu Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

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

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**REVISED**

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

**ANNOUNCES A PUBLIC HEARING ON**

**B20-0169 THE “EMPLOYEE SUGGESTION ACT OF 2013”**

**October 3, 2013, 11:00 AM  
Room 123 John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

On October 3, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0169 The “Employee Suggestion Act of 2013.” This public hearing will be held in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on this measure. The following is an outline of the stated purpose of the bill scheduled to be considered at this hearing:

- The stated purpose of the “Employee Suggestion Act of 2013” is to establish an Employee Suggestion Evaluation Commission to review District employee suggestions and grant cash awards to District employees who propose solutions that contribute to government economy or efficiency, and to create the Employee Suggestion Merit Award Fund.

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](mailto:rgulstone@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday October, 1 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](mailto:rgulstone@dccouncil.us). This notice has been revised to reflect that B20-0251, The “Government Managers Accountability Amendment Act of 2013” will not be considered at this hearing.

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 October 18, 2013.

**Council of the District of Columbia  
Committee on Health  
Notice of Public Hearing  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

**on**

**Bill 20-227, the "Children's Oral Health Care Amendment Act of 2013"**

**Thursday, November 7, 2013  
11:00 a.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a hearing on Bill 20-227, the "Children's Oral Health Care Amendment Act of 2013". The public hearing will be held at 11:00 a.m. on Thursday, November 7, 2013 in Room 412 of the John A. Wilson Building.

The stated purpose of Bill 20-227 is to amend the Health Occupations Revision Act of 1985 to allow dental hygienists to provide dental sealants to children in school-based dental sealant programs under the general supervision of a dentist without a prior dental examination of the patient by a dentist; to authorize dental assistants to assist dental hygienists in providing treatment in school-based dental sealant programs under the general supervision of a dentist; to order the Mayor of the District of Columbia to make existing D.C. Municipal Regulations consistent with this act where they are inconsistent; to require the District of Columbia Department of Health to establish an oral health database and report oral health data to the National Oral Health Surveillance System; to require certain elementary schools to offer school-based sealant programs to their students; to require the District of Columbia Department of Health to award grants to nonprofit organizations to provide dental sealant services in school-based sealant programs; to require DOH to study the alternatives for creating an expanded dental team to increase access to oral health care in underserved communities in the District of Columbia and to report its findings in writing to the Council of the District of Columbia.

Those who wish to testify should contact Rayna Smith, Committee Director, at (202) 741-2111 or via e-mail at [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, November 5, 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 Tuesday, November 5, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Rayna Smith, Room 115 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 21, 2013.

**Council of the District of Columbia  
Committee on Health  
Notice of Public Hearing  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC HEARING**

**on**

**Bill 20-233, the "Electronic Cigarette Parity Amendment Act of 2013"**

**Thursday, November 21, 2013  
11:00 a.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a hearing on Bill 20-233, the "Electronic Cigarette Parity Amendment Act of 2013". The public hearing will be held at 11:00 a.m. on Thursday, November 21, 2013 in Room 412 of the John A. Wilson Building.

The stated purpose of Bill 20-233 is to amend the District of Columbia Smoking Restriction Act of 1979 to ensure that the prohibition of smoking electronic cigarettes in restricted areas is in parity with traditional tobacco products and to prevent the purchase of electronic cigarettes by individuals under the age of 18.

Those who wish to testify should contact Rayna Smith, Committee Director, at (202) 741-2111 or via e-mail at [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, November 19, 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 Tuesday, November 19, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Rayna Smith, Room 115 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, December 5, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
NOTICE OF JOINT PUBLIC HEARING**  
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

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**COUNCILMEMBER TOMMY WELLS  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**AND**

**COUNCILMEMBER YVETTE M. ALEXANDER  
COMMITTEE ON HEALTH**

**ANNOUNCE A JOINT PUBLIC HEARING**

**on**

**BILL 20-327, THE STROKE SYSTEM OF CARE ACT OF 2013**

**Tuesday, October 29, 2013**

**11 a.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, and Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announce a joint public hearing to be held at 11 a.m. on Tuesday, October 29, 2013 in Room 412 of the John A. Wilson Building.

The purpose of the public hearing is to receive testimony on Bill 20-327, which was referred sequentially to the Committee on the Judiciary and Public Safety and the Committee on Health. Bill 20-327 would establish a comprehensive system of stroke care; to authorize the Department of Health (DOH) to designate certain hospitals stroke care centers; to require DOH, in consultation with the Fire and Emergency Medical Services Department, to establish response and treatment protocols and a plan for the continuous improvement in the quality of care provided to a person experiencing a stroke; to require stroke care centers and other emergency medical services providers to report data to DOH; and to require a database of information relating to stroke treatment. The bill may be viewed online at <http://dcclims1.dccouncil.us/images/00001/20130610122959.pdf>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Friday, October 25, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. For those unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Wednesday, November 13, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

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**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 20-409, THE “SIMPLE POSSESSION OF MARIJUANA  
DECRIMINALIZATION ACT OF 2013”**

**Wednesday October 23, 2013**

**6:30 – 9:00 p.m.**

**Anacostia Neighborhood Library**

**1800 Good Hope Road SE, Washington, D.C. 20020**

**RECONVENING**

**Thursday, October 24, 2013**

**11:30 a.m.**

**Council Chamber, Room 500**

**John A. Wilson Building**

**1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-409, the “Simple Possession of Marijuana Decriminalization Act of 2013” on Wednesday, October 23, 2013, beginning at 6:30 p.m. at the Anacostia Neighborhood Library, located at 1800 Good Hope Road, S.E. Washington, D.C., 20020. The hearing will reconvene on Thursday, October 24, 2013 at 11:30 a.m. in the Council Chamber, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004.

The purpose of this hearing is to receive public comment on Bill 20-409, which would amend the DC Uniform Controlled Substances Act and related provisions to make the possession of less than one ounce of marijuana a civil offense subject to a \$100 fine, rather than a criminal offense as it is today. The bill would also mandate participation in a drug awareness program for minors found in possession of less than one ounce of marijuana. Bill 20-409 may be viewed online at <http://dcclims1.dccouncil.us/images/00001/20130712104415.pdf>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Monday, October 21, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups. If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 p.m. on Friday, November 1, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

**Council of the District of Columbia  
Committee on Business, Consumer, and Regulatory Affairs  
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite G-6 Washington, DC 20004

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*Revised Notice*

**Councilmember Vincent B. Orange, Sr., Chair  
Committee on Business, Consumer, and Regulatory Affairs  
Announces a Public Hearing**

**on**

**B20-422, the “Certified Business Enterprise Program  
Enhanced Reform Amendment Act of 2013”**

**and**

**B20-181, the “Small and Certified Business Enterprise  
Development and Assistance Amendment Act of 2013”**

**Wednesday, October 23, 2013, 10 A.M.**

**John A. Wilson Building, Room 500**

**1350 Pennsylvania Avenue, N.W.**

**Washington, DC 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory on Bill 20-422, the “Certified Business Enterprise Program Enhanced Reform Amendment Act of 2013” and Bill 20-181, the “Small and Certified Business Enterprise Development and Assistance Amendment Act of 2013 for Wednesday, October 23, 2013 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. **The original public hearing notice incorrectly identified the committee proceedings as a “public oversight roundtable” in the third and fourth paragraphs. The notice is being revised to correct those errors.**

B20-422 amends D.C. Official Code Sec. 2-218 *et. seq.*, the “Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005”. B20-422 was introduced by Council Chair Phil Mendelson at the request of the Mayor. The purpose of the bill is to significantly change the Certified Business Enterprise (CBE) Program. The bill proposes to expand subcontracting requirements of public-private development projects and alter performance and subcontracting requirements. It proposes changes to equity and development provisions and would permit individuals, not just certified business entities, to invest in public-private development projects. It strengthens enforcement provisions, provides more specific and strict subcontract-plan requirements, and requires District agencies to establish metrics for meeting small and certified business enterprise utilization requirements.

Bill 20-181 also proposes to amend the “Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 for the purposes of amending the CBE Program, re-designating the Act, making clarifying and technical changes to the Act, providing penalties for CBE fraud, and for other purposes. The Committee held a hearing on B20-181 on July 12, 2013 before the Mayor’s proposal was filed with the Council. This hearing will provide an opportunity for public and government witnesses to comment on both legislative proposals.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Ms. Faye Caldwell, Administrative Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us) or Gene Fisher, Committee Director, at [gfisher@dccouncil.us](mailto:gfisher@dccouncil.us) and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Wednesday, October 16, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of government agencies, corporate industry, and industry organizations will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Thursday, October 31, 2013. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.



**Council of the District of Columbia  
Committee on Business, Consumer, and Regulatory Affairs  
Notice of Public Oversight Roundtable**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

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**COUNCILMEMBER VINCENT B. ORANGE, SR.  
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE BY THE  
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY  
AFFAIRS**

**Review of District Agencies' Compliance with Small Business Enterprise  
Expenditure Goals**

**Wednesday, December 11, 2013, 9:00 am  
John A. Wilson Building, Room 500  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable of the Committee on Business, Consumer, and Regulatory Affairs to review District government agencies' compliance with fiscal years 2012 and 2013 small business enterprise (SBEs) expenditure goals and to examine agencies' plans for complying with SBE utilization requirements in FY 2014.

The public oversight roundtable is scheduled for Wednesday, December 11, 2013, at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. The purpose of the public oversight roundtable is to hear from the Department of Small and Local Business Development, the Office of the District of Columbia Auditor, and appropriate District government agencies on compliance with SBE utilization requirements. Interested parties are also invited to testify.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us). Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Wednesday, December 4, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Thursday, December 26, 2012. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia  
Committee on Health  
Notice of Public Oversight Roundtable  
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

**on**

**The District of Columbia Health Benefit Exchange Authority**

**Wednesday, October 30, 2013  
11:00 a.m., Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public oversight roundtable on the implementation of the District of Columbia Health Benefit Exchange. The roundtable will be held at 11:00 a.m. on Wednesday, October 30, 2013 in Room 500 of the John A. Wilson Building.

The purpose of this public oversight roundtable is to provide the public with an opportunity to comment on the District's Health Benefit Exchange Authority and its continuing efforts to implement the Affordable Care Act.

Those who wish to testify should contact Melanie Williamson, Legislative Counsel, at (202) 741-2112 or via e-mail at [mwilliamson@dccouncil.us](mailto:mwilliamson@dccouncil.us) and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Monday, October 30, 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 Monday, October 30, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to Ms. Williamson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on November 13, 2013.

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| <p style="text-align: center;"><b>COUNCIL OF THE DISTRICT OF COLUMBIA</b><br/><b>EXCEPTED SERVICE APPOINTMENTS AS OF AUGUST 31, 2013</b></p> |
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**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

| <b>COUNCIL OF THE DISTRICT OF COLUMBIA</b> |                          |              |                             |
|--|--------------------------|--------------|-----------------------------|
| <b>NAME</b>                                | <b>POSITION TITLE</b>    | <b>GRADE</b> | <b>TYPE OF APPOINTMENT</b>  |
| Guzman, Marice                             | Administrative Assistant | 3            | Excepted Service - Reg Appt |
| Uzoukwu, Chukwunonye                       | Special Assistant        | 7            | Excepted Service - Reg Appt |

**COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on “Sense of the Council of the District of Columbia on the September 16, 2013 Navy Yard Tragedy Resolution of 2013”, PR 20-459, to allow for the proposed resolution to be considered at the October 1, 2013. The abbreviated notice is necessary to allow the Council to act in a timely manner due to the sensitivity of the situation.

**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

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**Reprog. 20-93:** Request to reprogram \$601,322 of Federal and Highway Trust Fund Capital Budget within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on September 16, 2013. This reprogramming is needed to align the Federal Fund and Highway Trust Fund budgets for Traffic Management Center Spare Parts project (CI032C) with the Federal Highway Administration's (FHWA) obligation for the project.

RECEIVED: 14 day review begins September 17, 2013

**Reprog. 20-94:** Request to reprogram \$738,752 of Capital Funds Budget Authority and Allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on September 16, 2013. This reprogramming is needed to align the Federal Funds and the Highway Trust Funds budgets for the Eastern Avenue project with the Federal Highway Administration's obligation approved for the project.

RECEIVED: 14 day review begins September 17, 2013

**Reprog. 20-95:** Request to reprogram \$3,071,874 of Local Funds Budget Authority within the Department of General Services (DGS) was filed in the Office of the Secretary on September 16, 2013. This reprogramming will reprogram funds across activities within the Energy – Centrally Managed program, within Comptroller Source Group (CSG) 30 (Energy, Comm., and Bldg Rentals).

RECEIVED: 14 day review begins September 17, 2013

**Reprog. 20-96:** Request to reprogram \$1,500,000 of Fiscal Year 2013 Local funds budget authority from the District Department of the Transportation (DDOT) to the Pay-as-you-go (Paygo) Capital Account was filed in the Office of the Secretary on September 20, 2013. This reprogramming is needed to continue the implementation of the Streetcar Capital project

RECEIVED: 14 day review begins September 23, 2013

**Reprog. 20-97:** Request to reprogram \$1,014,000 of Special Purpose Revenue funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on September 20, 2013. This reprogramming supports the initial operations of the District's Central Collection Units.

RECEIVED: 14 day review begins September 23, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, OCTOBER 2, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S,  
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson  
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

**Protest Hearing (Status) 9:30 AM**  
**Case # 13-PRO-00105;** Hill Country DC, LLC, t/a Hill Country Home Stand  
101 Tingey Street SE, License #92452, Retailer CT, ANC 6D  
**New Application**

**Protest Hearing (Status) 9:30 AM**  
**Case # 13-PRO-00113;** Good Hope Market, LLC, t/a Dollar Plus Store, 1429  
Good Hope Road SE, License #92680, Retailer A, ANC 8A  
**New Application**

**Protest Hearing (Status) 9:30 AM**  
**Case # 13-PRO-00112;** Brilliant, LLC, t/a Flash, 645 Florida Ave NW, License  
#90823, Retailer CT, ANC 1B  
**Substantial Change (Requesting 24 Hour Operations)**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 13-AUD-00034;** Lamaree, Inc., t/a Aroma Indian Restaurant, 1919 I  
Street NW, License #1847, Retailer CR, ANC 2B  
**Failed to File Quarterly Statements (4th Quarter 2012)**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 13-AUD-00039;** Café Europa, Inc., t/a Panache, 1725 Desales Street NW  
License #60754, Retailer CR, ANC 2B  
**Failed to File Quarterly Statements (4th Quarter 2012)**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 12-CMP-00291;** The Propal Group, LLC, t/a Napoleon, 1847 Columbia  
Road NW, License #75836, Retailer CR, ANC 1C  
**Failed to have a copy of the Settlement Agreement Available**

Board's Calendar  
Page -2- October 2, 2013

**Show Cause Hearing (Status)**

**Case # 13-CMP-00249;** Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW, License #60510, Retailer CR, ANC 1B

**Trade Name Change Without Board Approval**

**9:30 AM**

**Show Cause Hearing (Status)**

**Case # 13-CMP-00220.,** Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW, License #60510, Retailer CR, ANC 1B

**Failed to Comply With the Terms of Board Order No. 2013-145, Selling Alcohol without a License, Trade Name Change Without Board Approval, No ABC Manager on Duty**

**9:30 AM**

**Show Cause Hearing (Status)**

**Case # 12-AUD-00062;** Terfneh Kahsay t/a Salina Restaurant, 1936 9th Street NW, License #82969, Retailer CT, ANC 1B

**Failed to Qualify as a Restaurant, Failed to Maintain on Premises Three Years of Adequate Books and Records Showing All Sales**

**9:30 AM**

**Show Cause Hearing (Status)**

**Case # 13-CMP-00121;** Mad Hatter CT Avenue, LLC, t/a Mad Hatter, 1321 Connecticut Ave NW, License #82646, Retailer CT, ANC 2B

**Operating After Hours**

**9:30 AM**

**Fact Finding Hearing (Status)**

Sheldon Arpad t/a Come to Eat, 3222 O Street NW, License #85370, Retailer CR, **Update from Licensee regarding the Fact Finding Hearing that was held on June 19, 2013**

**9:30 AM**

**Show Cause Hearing**

**Case # 12-CMP-00698;** KHP Corporation, t/a Lee's Liquor, 2339 Pennsylvania Ave SE, License #26650, Retailer A, ANC 7B

**Sold Go-Cups, Violation of Settlement Agreement**

**10:00 AM**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Show Cause Hearing**

**Case # 12-CMP-00603;** LMW, LLC, t/a Little Miss Whiskey's Golden Dollar 1104 H Street NE, License #79090, Retailer CT, ANC 6A

**Participated in a Pub Crawl Without Board Approval, Violation of Settlement Agreement**

**1:30 PM**

**4:30 PM**



Board's Calendar

Page -2- September 26, 2013

**Show Cause Hearing**

**Case # 13-CMP-00206;** Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW, License #60510, Retailer CR, ANC 1B

**Served Alcoholic Beverages Without a Valid License, Trade Name Change Without Board Approval, Failed to Maintain Books and Records, Substantial Change In Operation Without Board Approval (Trade Name), Failed to Post the Correct Name, *This Hearing was continued from eptember 18, 2013.***

**Protest Hearing**

**5:30 PM**

**Case # 13-PRO-00087;** MH Owner, LLC, t/a The Graham, 1075 Thomas Jefferson Street NW, License #89867, Retailer CH, ANC 2E

**Renewal Application**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/27/2013**

Notice is hereby given that:

License Number: ABRA-015251

License Class/Type: C Nightclub

Applicant: 1720 H Street, Corp.

Trade Name: 1720 Club

SMD: 2A04

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

**2600 VIRGINIA AVE NW, WASHINGTON, DC 20037**

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

**11/12/2013**

HEARING WILL BE HELD ON

**11/25/2013**

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

**ENDORSEMENTS:**

| <b>Days</b>       | <b>Hours of Operation</b> | <b>Hours of Sales/Service</b> | <b>Hours of Entertainment</b> |
|-------------------|---------------------------|-------------------------------|-------------------------------|
| <b>Sunday:</b>    | -                         | -                             | -                             |
| <b>Monday:</b>    | -                         | -                             | -                             |
| <b>Tuesday:</b>   | -                         | -                             | -                             |
| <b>Wednesday:</b> | -                         | -                             | -                             |
| <b>Thursday:</b>  | -                         | -                             | -                             |
| <b>Friday:</b>    | -                         | -                             | -                             |
| <b>Saturday:</b>  | -                         | -                             | -                             |

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/27/2013**

Notice is hereby given that:

License Number: ABRA-075871

License Class/Type: C Nightclub

Applicant: Acott Ventures, LLC

Trade Name: Shadow Room

SMD: 2A06

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

**2131 K ST NW, Washington, DC 20036**

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

**11/12/2013**

HEARING WILL BE HELD ON

**11/25/2013**

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

**ENDORSEMENTS:**

| <b>Days</b>       | <b>Hours of Operation</b> | <b>Hours of Sales/Service</b> | <b>Hours of Entertainment</b> |
|-------------------|---------------------------|-------------------------------|-------------------------------|
| <b>Sunday:</b>    | 11 am - 2 am              | 11 am - 2 am                  | -                             |
| <b>Monday:</b>    | 11 am - 2 am              | 11 am - 2 am                  | -                             |
| <b>Tuesday:</b>   | 11 am - 2 am              | 11 am - 2 am                  | -                             |
| <b>Wednesday:</b> | 11 am - 2 am              | 11 am - 2 am                  | -                             |
| <b>Thursday:</b>  | 11 am - 2 am              | 11 am - 2 am                  | -                             |
| <b>Friday:</b>    | 11 am - 3 am              | 11 am - 3 am                  | -                             |
| <b>Saturday:</b>  | 11 am - 3 am              | 11 am - 3 am                  | -                             |

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**ON**

**9/27/2013**

Notice is hereby given that:

License Number: ABRA-089394

License Class/Type: C Nightclub

Applicant: TRIANGLE GROUP LLC

Trade Name: THE HUXLEY

SMD: 2B05

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

**1730 M ST NW, WASHINGTON, DC 20036**

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

**11/12/2013**

HEARING WILL BE HELD ON

**11/25/2013**

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

**ENDORSEMENTS:**

| <b>Days</b>       | <b>Hours of Operation</b> | <b>Hours of Sales/Service</b> | <b>Hours of Entertainment</b> |
|-------------------|---------------------------|-------------------------------|-------------------------------|
| <b>Sunday:</b>    | 8 am - 3:30 am            | 8 am - 2 am                   | -                             |
| <b>Monday:</b>    | 8 am - 3:30 am            | 8 am - 2 am                   | -                             |
| <b>Tuesday:</b>   | 8 am - 3:30 am            | 8 am - 2 am                   | -                             |
| <b>Wednesday:</b> | 8 am - 3:30 am            | 8 am - 2 am                   | -                             |
| <b>Thursday:</b>  | 8 am - 3:30 am            | 8 am - 2 am                   | -                             |
| <b>Friday:</b>    | 8 am - 4:30 am            | 8 am - 3 am                   | -                             |
| <b>Saturday:</b>  | 8 am - 4:30 am            | 8 am - 3 am                   | -                             |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

9/27/2013

Notice is hereby given that:

License Number: ABRA-023167

License Class/Type: C Nightclub

Applicant: 19th & K, Inc.

Trade Name: Ozio Martini & Cigar Lounge

SMD: 2B06

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

1813 M ST NW, Washington, DC 20006

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

11/12/2013

HEARING WILL BE HELD ON

11/25/2013

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

ENDORSEMENTS: Sidewalk Cafe, Summer Garden

| Days       | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday:    | 10 am - 2 am       | 11 am - 2 am           | -                      |
| Monday:    | 10 am - 2 am       | 11 am - 2 am           | -                      |
| Tuesday:   | 10 am - 2 am       | 11 am - 2 am           | -                      |
| Wednesday: | 10 am - 2 am       | 11 am - 2 am           | -                      |
| Thursday:  | 10 am - 2 am       | 11 am - 2 am           | -                      |
| Friday:    | 10 am - 3 am       | 11 am - 3 am           | -                      |
| Saturday:  | 10 am - 3 am       | 11 am - 3 am           | -                      |

| Days       | Hours of Sidewalk Cafe Operation | Hours of Summer Garden Operation |
|------------|----------------------------------|----------------------------------|
| Sunday:    | CLOSED - CLOSED                  | 11 am - 2 am                     |
| Monday:    | 5 pm - 11 pm                     | 11 am - 2 am                     |
| Tuesday:   | 5 pm - 11 pm                     | 11 am - 2 am                     |
| Wednesday: | 5 pm - 11 pm                     | 11 am - 2 am                     |
| Thursday:  | 5 pm - 11 pm                     | 11 am - 2 am                     |
| Friday:    | 5 pm - 11 pm                     | 11 am - 3 am                     |
| Saturday:  | 5 pm - 11 pm                     | 11 am - 3 am                     |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/27/2013

Notice is hereby given that:

License Number: ABRA-073809

License Class/Type: C Nightclub

Applicant: Lucky Strike Washington D

Trade Name: Lucky Strike

SMD: 2C01

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

**701 7TH ST NW C, Washington, DC 20001**

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

**11/12/2013**

HEARING WILL BE HELD ON

**11/25/2013**

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 - 2 am       | 12 pm -2 am            | -                      |
| Monday:    | 12 pm - 2 am       | 12 pm - 2 am           | -                      |
| Tuesday:   | 12 pm - 2 am       | 12 pm - 2 am           | -                      |
| Wednesday: | 12 pm - 2 am       | 12 pm - 2 am           | -                      |
| Thursday:  | 12 pm - 2 am       | 12 pm - 2 am           | -                      |
| Friday:    | 12 pm - 3 am       | 12 pm - 3 am           | -                      |
| Saturday:  | 12 pm - 3 am       | 12 pm - 3 am           | -                      |

| Days       | Hours of Summer Garden Operation | Hours of Sales Summer Garden |
|------------|----------------------------------|------------------------------|
| Sunday:    | 12 pm - 12 am                    | 12 pm - 12 am                |
| Monday:    | 12 pm - 12 am                    | 12 pm - 12 am                |
| Tuesday:   | 12 pm - 12 am                    | 12 pm - 12 am                |
| Wednesday: | 12 pm - 12 am                    | 12 pm - 12 am                |
| Thursday:  | 12 pm - 12 am                    | 12 pm - 12 am                |
| Friday:    | 12 pm - 3 am                     | 12 pm - 3 am                 |
| Saturday:  | 12 pm - 3 am                     | 12 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-082211  
License Class/Type: C Tavern  
SMD: 1A06

Applicant: Local 11, LLC  
Trade Name: Maple  
Premise Address: 3418 11TH ST NW

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: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 6 pm - 2 am            |
| MON: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30 am - 11 pm                 | 11:30 am - 11 pm             | 6 pm - 2 am            |
| TUE: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30 am - 11 pm                 | 11:30 am - 11 pm             | 6 pm - 2 am            |
| WED: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30 am - 11 pm                 | 11:30 am - 11 pm             | 6 pm - 2 am            |
| THU: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30 am - 11 pm                 | 11:30 am - 11 pm             | 6 pm - 2 am            |
| FRI: | 11:30 am - 3 am    | 11:30 am - 3 am        | 11:30 am - 12 am                 | 11:30 am - 12 am             | 6 pm - 3 am            |
| SAT: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 12 am                    | 10 am - 12 am                | 6 pm - 3 am            |

License Number: ABRA-092059  
License Class/Type: C Tavern  
SMD: 1B10

Applicant: Bravo Lounge, LLC  
Trade Name: Bravo Lounge  
Premise Address: 2917 GEORGIA AVE NW

Endorsements: Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 11:00 AM - 2:00 AM | 11:00 AM - 2:00 AM     | 11:00 AM - 11:00 PM              | 11:00 AM - 11:00 PM          | 7:00 PM - 2:00 AM      |
| MON: | 11:00 AM - 2:00 AM | 11:00 AM - 2:00 AM     | 11:00 M - 11:00 PM               | 11:00 AM - 11:00 PM          | 7:00 PM - 2:00 AM      |
| TUE: | 11:00 AM - 2:00 AM | 11:00 AM - 2:00 AM     | 11:00 AM - 11:00 PM              | 11:00 AM - 11:00 PM          | 7:00 PM - 2:00 AM      |
| WED: | 11:00 AM - 2:00 AM | 11:00 AM - 2:00 AM     | 11:00 AM - 11:00 PM              | 11:00 AM - 11:00 PM          | 7:00PM - 2:00 AM       |
| THU: | 11:00 AM - 2:00 AM | 11:00 AM - 2:00 AM     | 11:00 AM - 11:00 PM              | 11:00 AM - 11:00 PM          | 7:00 PM - 2:00 AM      |
| FRI: | 11:00 AM - 3:00 AM | 11:00 AM - 3:00 AM     | 11:00 AM - 12:00 AM              | 11:00 AM - 12:00 AM          | 7:00 PM - 3:00 AM      |
| SAT: | 11:00 AM - 3:00 AM | 11:00 AM - 3:00 AM     | 11:00 AM - 12:00 AM              | 11:00 AM - 12:00 AM          | 7:00 PM - 3:00 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-078226                      Applicant: Soul Haven, LLC  
License Class/Type: C Tavern                      Trade Name: The Gibson  
SMD: 1B12    Premise Address: 2009 14TH ST NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 5:30 pm - 2 am     | 5:30 pm -2 am          | 5:30 pm - 2 am                   | 5:30 pm - 2 am               | 6 pm - 2 am            |
| MON: | 5:30 pm - 2 am     | 5:30 pm - 2 am         | 5:30 pm - 2 am                   | 5:30 pm - 2 am               | 6 pm - 2 am            |
| TUE: | 5:30 pm - 2 am     | 5:30 pm - 2 am         | 5:30 pm - 2 am                   | 5:30 pm - 2 am               | 6 pm - 2 am            |
| WED: | 5:30 pm - 2 am     | 5:30 pm - 2 am         | 5:30 pm - 2 am                   | 5:30 pm - 2 am               | 6 pm - 2 am            |
| THU: | 5:30 pm - 2 am     | 5:30 pm - 2 am         | 5:30 pm - 2 am                   | 5:30 pm - 2 am               | 6 pm - 2 am            |
| FRI: | 5:30 pm - 3 am     | 5:30 pm - 3 am         | 5:30 pm - 3 am                   | 5:30 pm - 3 am               | 6 pm - 3 am            |
| SAT: | 5:30 pm - 3 am     | 5:30 pm - 3 am         | 5:30 pm - 3 am                   | 5:30 pm - 3 am               | 6 pm - 3 am            |

License Number: ABRA-082451                      Applicant: ESL DEVELOPMENT LLC  
License Class/Type: C Tavern                      Trade Name: Hanoi House  
SMD: 1B12    Premise Address: 2005 14TH ST NW

Endorsements: Cover Charge, Dancing, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 7 am - 2 am        | 10 am -2 am            | 6 pm - 2 am            |
| MON: | 7 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| TUE: | 7 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| WED: | 7 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| THU: | 7 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| FRI: | 7 am - 3 am        | 8 am - 3 am            | 6 pm - 3 am            |
| SAT: | 7 am - 3 am        | 8 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-078943  
License Class/Type: C Tavern  
SMD: 1B12

Applicant: Boom, Inc.  
Trade Name: Patty Boom Boom  
Premise Address: 1359 U ST NW

Endorsements: Cover Charge, Dancing, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 11:30 AM - 2:00 AM | 11:30 AM - 2:00 AM     | 6:00 PM - 2:00 AM      |
| MON: | 11:30 AM - 2:00 AM | 11:30 AM - 2:00 AM     | 6:00 PM - 2:00 AM      |
| TUE: | 11:30 AM - 2:00 AM | 11:30 AM - 2:00 AM     | 6:00 PM - 2:00 AM      |
| WED: | 11:30 AM - 2:00 AM | 11:30 AM - 2:00 AM     | 6:00 PM - 2:00 AM      |
| THU: | 11:30 AM - 2:00 AM | 11:30 AM - 2:00 AM     | 6:00 PM - 2:00 AM      |
| FRI: | 11:30 AM - 3:00 AM | 11:30 AM - 3:00 AM     | 6:00 PM - 3:00 AM      |
| SAT: | 11:30 AM - 3:00 AM | 11:30 AM - 3:00 AM     | 6:00 PM - 3:00 AM      |

License Number: ABRA-071086  
License Class/Type: C Tavern  
SMD: 1B12

Applicant: MCHAP Inc.  
Trade Name: The Saloon  
Premise Address: 1205 U ST NW

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | closed -           | closed -closed         | -                      |
| MON: | closed -           | closed - closed        | -                      |
| TUE: | 5 pm - 1 am        | 5 pm - 1 am            | -                      |
| WED: | 5 pm - 1 am        | 5 pm - 1 am            | -                      |
| THU: | 5 pm - 1 am        | 5 pm - 1 am            | -                      |
| FRI: | 5 pm - 2 am        | 5 pm - 2 am            | -                      |
| SAT: | 3 pm - 2 am        | 3 pm - 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-019008  
License Class/Type: C Tavern  
SMD: 1C03

Applicant: Bedrock Billiards, Inc.  
Trade Name: Bedrock Billiards  
Premise Address: 1841 COLUMBIA RD NW B

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 12 pm - 2 am       | 12 pm -1:30 am         | -                      |
| MON: | 4 pm - 2 am        | 4 pm - 1:30 am         | -                      |
| TUE: | 4 pm - 2 am        | 4 pm - 1:30 am         | -                      |
| WED: | 4 pm - 2 am        | 4 pm - 1:30 am         | -                      |
| THU: | 4 pm - 2 am        | 4 pm - 1:30 am         | -                      |
| FRI: | 4 pm - 3 am        | 4 pm - 2:30am          | -                      |
| SAT: | 12 pm - 3 am       | 12 pm - 2:30 am        | -                      |

License Number: ABRA-078057  
License Class/Type: C Tavern  
SMD: 2A02

Applicant: Pocomo, LLC  
Trade Name: Bayou  
Premise Address: 2519 PENNSYLVANIA AVE NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 11 am - 2:15 am    | 11 am -2 am            | 11 am - 2:15 am                  | 11 am - 2 am                 | 11 am - 2:15 am        |
| MON: | 11 am - 2:15 am    | 11 am - 2 am           | 11 am - 2:15 am                  | 11 am - 2 am                 | 11 am - 2:15 am        |
| TUE: | 11 am - 2:15 am    | 11 am - 2 am           | 11 am - 2:15 am                  | 11 am - 2 am                 | 11 am - 2:15 am        |
| WED: | 11 am - 2:15 am    | 11 am - 2 am           | 11 am - 2:15 am                  | 11 am - 2 am                 | 11 am - 2:15 am        |
| THU: | 11 am - 2:15 am    | 11 am - 2 am           | 11 am - 2:15 am                  | 11 am - 2 am                 | 11 am - 2:15 am        |
| FRI: | 11 am - 3:15       | 11 am - 3 am           | 11 am - 3:15                     | 11 am - 3 am                 | 11 am - 3:15           |
| SAT: | 11 am - 3:15 am    | 11 am - 3 am           | 11 am - 3:15 am                  | 11 am - 3 am                 | 11 am - 3:15 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-071333  
License Class/Type: C Tavern  
SMD: 2A03

Applicant: 51st Llc  
Trade Name: The 51st State  
Premise Address: 2512 L 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: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | -                      |
| MON: | 3 pm - 2 am        | 3 pm - 2 am            | 3 pm - 2 am                      | 3 pm - 2 am                  | -                      |
| TUE: | 3 pm - 2 am        | 3 pm - 2 am            | 3 pm - 2 am                      | 3 pm - 2 am                  | -                      |
| WED: | 3 pm - 2 am        | 3 pm - 2 am            | 3 pm - 2 am                      | 3 pm - 2 am                  | -                      |
| THU: | 3 pm - 2 am        | 3 pm - 2 am            | 3 pm - 2 am                      | 3 pm - 2 am                  | -                      |
| FRI: | 3 pm - 3 am        | 3 pm - 3 am            | 3 pm - 3 am                      | 3 pm - 3 am                  | -                      |
| SAT: | 11:30 am - 3 am    | 11:30 am - 3 am        | 11:30 am - 3 am                  | 11:30 am - 3 am              | -                      |

License Number: ABRA-088106  
License Class/Type: C Tavern  
SMD: 2B01

Applicant: The Board Room DC, LLC  
Trade Name: Board Room  
Premise Address: 1737 CONNECTICUT AVE NW

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| MON: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| WED: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| THU: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | -                      |
| SAT: | 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-070719  
License Class/Type: C Tavern  
SMD: 2B01

Applicant: The Fab Lounge Inc,  
Trade Name: The Fab Lounge  
Premise Address: 1805 CONNECTICUT AVE NW B

Endorsements: Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | 6 pm - 2 am            |
| MON: | 9 am - 2 am        | 9 am - 2 am            | 6 pm - 2 am            |
| TUE: | 9 am - 2 am        | 9 am - 2 am            | 6 pm - 2 am            |
| WED: | 9 am - 2 am        | 9 am - 2 am            | 6 pm - 2 am            |
| THU: | 9 am - 2 am        | 9 am - 2 am            | 6 pm - 2 am            |
| FRI: | 9 am - 3 am        | 9 am - 3 am            | 6 pm - 3 am            |
| SAT: | 9 am - 3 am        | 9 am - 3 am            | 6 pm - 3 am            |

License Number: ABRA-090204  
License Class/Type: C Tavern  
SMD: 2B02

Applicant: La Kazbah, LLC  
Trade Name: Marrakech Restaurant  
Premise Address: 2147 - 2149 P ST NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 1 am            |
| MON: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 1 am            |
| TUE: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 1 am            |
| WED: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 1 am            |
| THU: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 1 am            |
| FRI: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 2 am            |
| SAT: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 11 pm                    | 10 am - 11 pm                | 9 pm - 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: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-082646  
License Class/Type: C Tavern  
SMD: 2B05

Applicant: Mad Hatter CT Ave, LLC  
Trade Name: Mad Hatter  
Premise Address: 1321 CONNECTICUT AVE NW

Endorsements: Cover Charge, 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: | 8am - 2 am         | 8am -2 am              | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9pm - 2am              |
| MON: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9am - 2am              |
| TUE: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9am - 2am              |
| WED: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9am - 2am              |
| THU: | 11:30 am - 2 am    | 11:30 am - 2 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9 am - 2 am            |
| FRI: | 11:30 am - 3 am    | 11:30 am - 3 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9 am - 3 am            |
| SAT: | 11:30 am - 3 am    | 11:30 am - 3 am        | 11:30am - 10:30pm                | 11:30am - 10:30pm            | 9 am - 3 am            |

License Number: ABRA-020480  
License Class/Type: C Tavern  
SMD: 2B06

Applicant: Buffalo Billiards Corporation  
Trade Name: Buffalo Billiards Corporation  
Premise Address: 1330 19TH 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: | 8 am - 2 am        | 8 am -2 am             | 8 am - 2 am                      | 8 am - 2 am                  | -                      |
| MON: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | -                      |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | -                      |
| WED: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | -                      |
| THU: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | -                      |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 3 am                      | 8 am - 3 am                  | -                      |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 3 am                      | 8 am - 3 am                  | -                      |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-016838  
License Class/Type: C Tavern  
SMD: 2C01

Applicant: Capitol City Brewing Company, LLC  
Trade Name: Capital City Brewing Company  
Premise Address: 1100 NEW YORK AVE NW A

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 11 am - 2 am       | 11 am - 2 am           | -                      |
| MON: | 11 am - 2 am       | 11 am - 2 am           | -                      |
| TUE: | 11 am - 2 am       | 11 am - 2 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-025663  
License Class/Type: C Tavern  
SMD: 2C01

Applicant: Washington Irish Pub LLC  
Trade Name: Fado Irish Pub & Restaurant  
Premise Address: 804 7TH ST NW

Endorsements: Cover Charge, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 6 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| MON: | 6 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| TUE: | 6 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| WED: | 6 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| THU: | 6 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| FRI: | 6 am - 3 am        | 8 am - 3 am            | 6 pm - 3 am            |
| SAT: | 6 am - 3 am        | 8 am - 3 am            | 6 pm - 3 am            |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-074970  
License Class/Type: C Tavern  
SMD: 2C01

Applicant: Comet Investors, Lp  
Trade Name: Rocket Bar  
Premise Address: 714 7TH ST NW

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | -                      |
| MON: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| WED: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| THU: | 8 am - 2 am        | 8 am - 2 am            | -                      |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | -                      |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | -                      |

License Number: ABRA-060298  
License Class/Type: C Tavern  
SMD: 2C03

Applicant: Irish Channel, LLC  
Trade Name: Irish Channel Restaurant  
Premise Address: 500 H ST NW A

Endorsements: Cover Charge, 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: | 6 am - 2 am        | 8am - 2 am             | 6 am - 1:30 am                   | 8am - 1:30 am                | 6pm - 1:30am           |
| MON: | 6 am - 2 am        | 8 am - 2 am            | 6 am - 1:30 am                   | 6 am - 1:30 am               | 6pm - 1:30am           |
| TUE: | 6 am - 2 am        | 8am - 2 am             | 6 am - 1:30 am                   | 6 am - 1:30 am               | 6pm - 1:30am           |
| WED: | 6 am - 2 am        | 8am - 2 am             | 6 am - 1:30 am                   | 6 am - 1:30 am               | 6pm - 1:30am           |
| THU: | 6 am - 2 am        | 8am - 2 am             | 6 am - 1:30 am                   | 6 am - 1:30 am               | 6pm - 1:30am           |
| FRI: | 6 am - 3 am        | 8am - 3 am             | 6 am - 2:30 am.                  | 6 am - 2:30 am.              | 6pm - 2:30am           |
| SAT: | 6 am - 3 am        | 8am - 3 am             | 6 am - 2:30 am.                  | 6 pm - 2:30 am.              | 6pm - 2:30am           |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-000927  
License Class/Type: C Tavern  
SMD: 2E05

Applicant: Chowder House Incorporated  
Trade Name: Chadwick's  
Premise Address: 3205 K ST NW

Endorsements:

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 11 am - 2 am       | 11 am - 2 am           | -                      |
| MON: | 11:30 am - 2 am    | 11:30 am - 2 am        | -                      |
| TUE: | 11:30 am - 2 am    | 11:30 am - 2 am        | -                      |
| WED: | 11:30 am - 2 am    | 11:30 am - 2 am        | -                      |
| THU: | 11:30 am - 2 am    | 11:30 am - 2 am        | -                      |
| FRI: | 11:30 am - 3 am    | 11:30 am - 3 am        | -                      |
| SAT: | 11:30 am - 3 am    | 11:30 am - 3 am        | -                      |

License Number: ABRA-076279  
License Class/Type: C Tavern  
SMD: 3C04

Applicant: Nanny O's LLC  
Trade Name: Nanny O'Brien's Irish Pub  
Premise Address: 3319 CONNECTICUT AVE NW

Endorsements: Cover Charge, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | 6 pm - 2 am            |
| MON: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| WED: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| THU: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 2 am            |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | 6 pm - 3 am            |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | 6 pm - 3 am            |



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-019007  
License Class/Type: C Tavern  
SMD: 3C04

Applicant: Atomic Billards Corporation  
Trade Name: Atomic Billiards  
Premise Address: 3427 CONNECTICUT AVE NW

Endorsements:

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

License Number: ABRA-024972  
License Class/Type: C Tavern  
SMD: 3C04

Applicant: The Aroma Company, Inc.  
Trade Name: Ripple  
Premise Address: 3415 - 3417 CONNECTICUT AVE NW

Endorsements: Cover Charge, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am -2 am            | 6 pm - 1 am            |
| MON: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 1 am            |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 1 am            |
| WED: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 1 am            |
| THU: | 8 am - 2 am        | 8 am - 2 am            | 6 pm - 1 am            |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | 6 pm - 2 am            |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | 6 pm - 2 am            |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-025996  
License Class/Type: C Tavern  
SMD: 4C02

Applicant: Johanna's, Inc  
Trade Name: Johana's Restaurant  
Premise Address: 4728 14TH ST NW

Endorsements: Cover Charge, Dancing, Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am           |
| MON: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am           |
| TUE: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am           |
| WED: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am           |
| THU: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am           |
| FRI: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 3 am           |
| SAT: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 3 am           |

License Number: ABRA-090424  
License Class/Type: C Tavern  
SMD: 4C07

Applicant: FAB LOUNGE INC. (THE)  
Trade Name: SAFARI RESTAURANT AND LOUNGE  
Premise Address: 4306 GEORGIA AVE NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | 6 pm - 2 am            |
| MON: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | 6 pm - 2 am            |
| TUE: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | 6 pm - 2 am            |
| WED: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | 6 pm - 2 am            |
| THU: | 10 am - 2 am       | 10 am - 2 am           | 10 am - 2 am                     | 10 am - 2 am                 | 6 pm - 2 am            |
| FRI: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 3 am                     | 10 am - 3 am                 | 6 pm - 3 am            |
| SAT: | 10 am - 3 am       | 10 am - 3 am           | 10 am - 3 am                     | 10 am - 3 am                 | 6pm - 3 am             |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-091646  
License Class/Type: C Tavern  
SMD: 4C07

Applicant: Upshur Tavern, LLC  
Trade Name: Upshur Tavern  
Premise Address: 829 UPSHUR ST NW

Endorsements: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Summer Garden Operation | Hours of Sales Summer Garden | Hours of Entertainment |
|------|--------------------|------------------------|----------------------------------|------------------------------|------------------------|
| SUN: | 8 am - 2 am        | 10 am - 2 am           | 8 am - 2 am                      | 10 am - 2 am                 | 6 pm - 2 am            |
| MON: | 8 am - 2 am        | 8 am - 2 am            | 2 am - 2 am                      | 8 am - 2 am                  | 6 pm - 2 am            |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | 7 pm - 2 am            |
| WED: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | 7 pm - 2 am            |
| THU: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 2 am                      | 8 am - 2 am                  | 7 pm - 2 am            |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 3 am                      | 8 am - 3 am                  | 7 pm - 3 am            |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 3 am                      | 8 am - 3 am                  | 7 pm - 3 am            |

License Number: ABRA-081525  
License Class/Type: C Tavern  
SMD: 6B03

Applicant: Iron Horse, LLC  
Trade Name: Iron Horse  
Premise Address: 507 7TH ST NW

Endorsements:

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-001330  
License Class/Type: C Tavern  
SMD: 6C02

Applicant: Dubliner Inc  
Trade Name: The Dubliner  
Premise Address: 4 F ST NW

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: | 7:30 am - 1:30 am  | 10 am -1:30 am         | 11:30 am - 1:30 am               | 11:30 am - 1:30 am           | 7:30 pm - 12 am        |
| MON: | 7 am - 1:30 am     | 8 am - 1:30 am         | 11:30 am - 1:30 am               | 11:30 am - 1:30 am           | 9 pm - 12 am           |
| TUE: | 7 am - 1:30 am     | 8 am - 1:30 am         | 11:30 am - 1:30 am               | 11:30 am - 1:30 am           | 9 pm - 12 am           |
| WED: | 7 am - 1:30 am     | 8 am - 1:30 am         | 11:30 am - 1:30 am               | 11:30 am - 1:30 am           | 9 pm - 12 am           |
| THU: | 7 am - 1:30 am     | 8 am - 1:30 am         | 11:30 am - 1:30 am               | 11:30 am - 1:30 am           | 9 pm - 12 am           |
| FRI: | 7 am - 2:30 am     | 8 am - 2:30 am         | 11:30 am - 2:30 am               | 11:30 am - 2:30 am           | 9 pm - 12 am           |
| SAT: | 7:30 am - 2:30 am  | 8 am - 2:30 am         | 11:30 am - 2:30 am               | 11:30 am - 2:30 am           | 9 pm - 12 am           |

License Number: ABRA-070520  
License Class/Type: C Tavern  
SMD: 6C02

Applicant: Billy Goat DC, Inc.  
Trade Name: Billy Goat Tavern & Grill  
Premise Address: 500 NEW JERSEY AVE 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: | 8 am - 2 am        | 10 am -2 am            | 8 am - 12 am                     | 10 am - 12 am                | -                      |
| MON: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |
| TUE: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |
| WED: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |
| THU: | 8 am - 2 am        | 8 am - 2 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |
| FRI: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |
| SAT: | 8 am - 3 am        | 8 am - 3 am            | 8 am - 12 am                     | 8 am - 12 am                 | -                      |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-091912  
License Class/Type: C Tavern  
SMD: 6C06

Applicant: Black Strap Bakery, LLC  
Trade Name: Union Kitchen  
Premise Address: 1100 3RD ST NE

Endorsements: Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 10 am - 5 pm       | 10 am - 5 pm           | 10 am - 5 pm           |
| MON: | 4 pm - 10 pm       | 4 pm - 10 pm           | -                      |
| TUE: | 4 pm - 10 pm       | 4 pm - 10 pm           | -                      |
| WED: | 4 pm - 10 pm       | 4 pm - 10 pm           | -                      |
| THU: | 12 pm - 10 pm      | 12 pm - 10 pm          | 12 pm - 9:30 pm        |
| FRI: | 12 pm - 10 pm      | 12 pm - 10 pm          | 12 pm - 9:30 pm        |
| SAT: | 8 am - 10 pm       | 8 am - 10 pm           | 12 pm - 9:30 pm        |

License Number: ABRA-086735  
License Class/Type: C Tavern  
SMD: 6D02

Applicant: Fairgrounds, LLC  
Trade Name: The Bullpen  
Premise Address: 25 M ST SE

Endorsements: Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| MON: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| TUE: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| WED: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| THU: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| FRI: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |
| SAT: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12 am          |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 9/27/2013  
PETITION DATE: 11/12/2013  
HEARING DATE: 11/25/2013

License Number: ABRA-081924  
License Class/Type: C Tavern  
SMD: 6D02

Applicant: Fairgrounds, LLC  
Trade Name: The Bullpen  
Premise Address: 26 N ST SE

Endorsements: Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------|--------------------|------------------------|------------------------|
| SUN: | 8 am - 12:30 am    | 11 am -12 am           | 11 am - 12:30 am       |
| MON: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |
| TUE: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |
| WED: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |
| THU: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |
| FRI: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |
| SAT: | 8 am - 12:30 am    | 11 am - 12 am          | 11 am - 12:30 am       |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 27, 2013
Petition Date: November 12, 2013
Roll Call Hearing Date: November 25, 2013

License No.: ABRA-091432
Licensee: Juanita's Inc.
Trade Name: Juanita's Restaurant
License Class: Retailer's Class "C" Tavern
Address: 3521 14th Street, NW
Contact: Jeff Jackson: 202-251-1566

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ANC 1A

SMD 1A04

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 Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Requesting to change from Class "C" Restaurant to Class "C" Tavern

APPROVED HOURS OF OPERATION

Sunday through Saturday: 7am - 3am

APPROVED HOURS OF ALCOHOLIC BEVERAGE ALES/SERVICE CONSUMPTION

Sunday through Thursday: 8am - 2am, Friday and Saturday: 8am - 3am

ENTERTAINMENT ENDORSEMENT HOURS OF OPERATION

Sunday: 7pm - 2:45am, Monday/Tuesday/Wednesday: N/A
Thursday through Saturday: 7pm - 2:45am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 27, 2013
Petition Date: November 12, 2013
Roll Call Hearing Date: November 25, 2013
Protest Hearing Date: January 22, 2014

License No.: ABRA-92841
Licensee: Sona Creamery, LLC
Trade Name: Sona Creamery and Wine Bar
License Class: Retailer's Class "C" Restaurant
Address: 660 Pennsylvania Ave., SE
Contact: Conan & Genevieve O'Sullivan: 360-870-853/360-791-1347

WARD 6 ANC 6B SMD 6B02

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 1/22/2014 at 1:30 pm.

NATURE OF OPERATION

A new restaurant, cheese creamery and wine bar. Total Load 70. Sidewalk Café Seating 16.

HOURS OF OPERATION

Sunday: 6am – 2am, Monday through Friday: 10am – 2am, Saturday: 6am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday: 8am- 2am, Monday through Friday: 10am – 2am, Saturday: 8am – 2am

HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday: 6am – 2am, Monday through Friday: 10am – 2am, Saturday: 6am – 2am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday: 8am-2am, Monday through Friday: 10am-2am, Saturday: 8am-2am



**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, DECEMBER 3, 2013  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. MORNING HEARING SESSION**

**A.M.**

**WARD SIX**

18655            **Application of Bank of America**, pursuant to 11 DCMR §§ 3104.1,  
ANC-6A            1304.1 and 1325, for a special exception to exceed the 20 percent limit on  
the amount of the ground floor that may be devoted to banks under  
subsection 1302.4(a) in order to install an automatic teller machine (ATM)  
banking center in the HS-R/C-2-A District at premises 1102 H Street, N.E.  
(Square 981, Lot 806).

**WARD TWO**

18665            **Application of French Quarter Hospitality LLC, on behalf of the**  
ANC-2B            **Washington Club**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a  
special exceptions for hotel use under section 512, a parking waiver for an  
addition to a historic landmark under subsection 2120.6, and the green  
area ratio requirements under section 3405, and variances from the side  
yard under section 535, or alternatively, from the limitation on projections  
into open spaces under subsection 2502.2, open court width under section  
536 and the parking requirements under subsection 2100.10, to construct a  
hotel in the DC/SP-1 District at premises 15 Dupont Circle, N.W. (Square  
136, Lot 34).

**WARD THREE**

18666            **Application of Patrick G. Shaughness**, pursuant to 11 DCMR § 3104.1,  
ANC-3D            for a special exception for an accessory apartment under subsection  
202.10, in the R-1-B District at premises 5236 Loughboro Road, N.W.  
(Square 1448, Lot 13).

**WARD FIVE**

## BZA PUBLIC HEARING NOTICE

DECEMBER 3, 2013

PAGE NO. 2

18667            **Application of St. Elmo W. Crawford, Jr.**, pursuant to 11 DCMR §  
ANC-5E        3103.2, for a variance from the use provisions for a dental office in the R-  
3 District at premises 45 Franklin Street, N.E. (Square 3500, Lot 124).

**WARD TWO**

18668            **Application of CAS Riegler Companies**, pursuant to 11 DCMR §§  
ANC-2F        3104.1 and 3103.2, for a variance from the floor area ratio requirements  
under subsection 2604.1, a variance from the lot occupancy requirements  
under subsection 2604.2, a variance from the off-street parking  
requirements under subsection 2101.1, a variance from the size of parking  
space requirements under subsection 2115.1, a variance from the parking  
space setback requirements under subsection 2116.1, and a special  
exception from the roof structure provisions under subsection 411.11, to  
allow the construction of a mixed-use residential building with ground  
floor retail in the C-2-A District at premises 1100 Q Street, N.W. (Square  
310, Lots 33 and 807).

**WARD SIX**

18664            **Appeal of Charles C. Parsons**, pursuant to 11 DCMR §§ 3100 and 3101,  
ANC-6B        from a November 23, 2012, decision by the Zoning Administrator to  
permit the construction of an addition to a flat in the CAP/R-4 District at  
premises 117 C Street, S.E. (Square 733, Lot 23).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than**

BZA PUBLIC HEARING NOTICE  
DECEMBER 3, 2013  
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**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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.**

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

**TIME AND PLACE:** **Monday, December 5, 2013, @ 6:30 P.M.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. CASE NO. 06-40C (Gateway Market Center, Inc. – Modification of Approved Consolidated PUD & Related Map Amendment @ Square 3587, Lot 8) (340 Florida Avenue, N.E.)**

**THIS CASE IS OF INTEREST TO ANC 5D**

On April 18, 2013, the Office of Zoning received an application from Gateway Market Center, Inc. (the "Applicant"). The Applicant is requesting approval of a modification to a previously approved consolidated planned unit development ("PUD") and related map amendment from C-M-1 to C-3-C.

The Office of Planning provided its report on July 19, 2013, which recommended that the Zoning Commission set the case down for public hearing. The Commission set the case down for hearing on July 29, 2013.

The property that is the subject of this application consists of approximately 38,452 square feet of land. The property is bounded generally by Florida Avenue, N.E. on the south; 4<sup>th</sup> Street, N.E. on the east; Morse Street, N.E. on the north; and adjoining parcels on the west. This property is legally identified as Square 3587, Lot 8 (Previously lots 5, 800, 802, and 809 and Parcels 129/9 and 129/32). The subject property was previously approved for a rezoning from C-M-1 to C-3-C.

The Applicant proposes to develop a new mixed use development on the site, consisting of approximately 27,500 square feet of retail (up from 26,026 square feet) and approximately 155,900 square feet of residential (up from 134,237 square feet), of which 20%, or approximately 31,177 gross square feet (up from 26,847 gross square feet), will be provided as affordable. The Applicant's modification to the PUD results in the elimination of the office component of the previously approved project. Below-grade parking will be provided for approximately 215 cars (up from the previous minimum of 188) and approximately 72 bicycles (up from 44 bicycles). Total project area is approximately 189,763 square feet, for a total floor area ratio (FAR) of 4.9 (down from 7.7 FAR). The building will have a height of eighty feet, one inch (down from 119'-4" feet).

The C-3-C Zone District permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 06-40C  
PAGE NO. 2

mixed uses to a maximum lot occupancy of 100%, a maximum density of 6.5 FAR for residential and for other permitted uses, and a maximum height of 90 feet. Through a PUD process the density may be increased to an 8.0 FAR and a height of 130 feet.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

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.

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 06-40C  
PAGE NO. 3**

**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  
RESCHEDULED<sup>1</sup> NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**           **Monday, December 16, 2013, at 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-S**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 10-32B Georgetown University – Proton Therapy Addition**

**THIS CASE IS OF INTEREST TO ANC 2E**

**Application of President and Directors of Georgetown College (Georgetown University),** pursuant to 11 DCMR § 3104.1, for amendment to the 2010-2017 Campus Plan and further processing of the 2010-2017 Campus Plan, to permit the construction of a new Proton Therapy addition to the Lombardi Cancer Center on the University’s Main Campus, located at 3800 Reservoir Road, N.W., (Square 1321, Lot 817). The proposed Proton Therapy addition is located in the interior of the campus to the south of the Lombardi Cancer Center and to the north of the Leavey Center.

**PLEASE NOTE:**

- \* Failure of the Applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.
- \* Failure of the Applicant to be adequately prepared to present the application to the Commission, and address the required standards of proof for the application, may subject the application to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

**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

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<sup>1</sup> This case was previously scheduled for hearing on October 24, 2013.

Z.C. RESCHEDULED NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 10-32B  
PAGE 2

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

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](mailto: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.

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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. RESCHEDULED NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 10-32B  
PAGE 3**

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. Written statements may be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **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.**

**DEPARTMENT OF HEALTH**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendments to Section 6212 (Code of Professional Conduct), Chapter 62 (Nursing Home Administration), Title 17 (Business, Occupations, and Professions), of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will strike provisions relating to provisional licensure and adopt the American College of Health Care Administrators’ Code of Ethics as the professional ethics standards for nursing home administrators, Administrator-in-Training, and students and graduates authorized to practice nursing home administration pursuant to 17 DCMR § 6211.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on May 3, 2013, at 60 DCR 6500. No written comments were received from the public in connection with this publication during the thirty (30)-day comment period, and no changes have been made to the rulemaking.

Final action to adopt the rules took place on June 27, 2013. These rules will be effective upon publication of the notice in the *D.C. Register*.

**CHAPTER 62, NURSING HOME ADMINISTRATION, of TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, OF THE DCMR is amended as follows:**

**Section 6212 is amended to read as follows:**

**6212 CODE OF PROFESSIONAL CONDUCT**

6212.1 A licensee licensed under this Chapter, an Administrator-in-Training Program (A.I.T.), or a student or graduate authorized to practice nursing home administration pursuant to 17 DCMR § 6211 shall adhere to the standards set forth in the “Code of Ethics” as published by the American College of Health Care Administrators.

**Section 6299 is amended by deleting the term and definition of “Provisional License”.**

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, 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) (2012 Repl. & 2013 Supp.)), hereby gives notice of its intent to adopt the amendments of Chapter 1 (Board of Trustees) of Subtitle B (University of the District of Columbia), Title 8 (Higher Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rule is to reconfigure the Standing Committees of the Board of Trustees.

The substance of the rules adopted herein was published in the *D.C. Register* on June 14, 2013 at 60 DCR 9089, for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2012 Repl. & 2013 Supp.). No public comment was received by the Board within the public comment period. The Board of Trustees took final rulemaking action at a regular meeting on September 10, 2013. The rules shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 1, BOARD OF TRUSTEES, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:**

**Section 110, COMMITTEES OF THE BOARD OF TRUSTEES, is amended as follows:**

**Subsection 110.1(a) is amended to read:**

110.1 The Chairperson of the Board shall annually propose a structure of standing committees to be chaired by voting Board members in addition to the Executive Committee; the Audit Committee; the Budget and Finance Committee; the Academic Affairs Committee, the Student Affairs Committee; and Committee of the Whole for adoption by resolution of a majority of the Board. The membership and jurisdiction of each committee shall be as follows:

- (a) The Executive Committee shall be comprised of the Officers of the Board and Chairpersons of all Board Committees. The Executive Committee shall have all of the power of the Board between meetings, but the Board may limit such power by Resolution. Interim actions taken by the Executive Committee must be submitted for ratification by the Board at its next regularly scheduled meeting. If a majority fails to confirm the validity

of an Executive Committee action, that action shall be deemed void *ab initio*. Appropriate notice of Executive Committee actions must be given to all members of the Board and to the public within five (5) business days.

**DEPARTMENT OF HEALTH**

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendments to Chapter 63 (Occupational Therapy) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

This rulemaking will update and revise the provisions regulating occupational therapy in the following areas: continuing education requirements; responsibilities of occupational therapists; occupational therapy aides. The rulemaking also removes some provisions governing occupational therapy assistants, which are not codified in Chapter 73.

**CHAPTER 63, OCCUPATIONAL THERAPY, of TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, OF THE DCMR is amended as follows:**

**Section 6300.2 is amended to read as follows:**

6300.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 73 (Occupational Therapy Assistants) of this title shall supplement this chapter.

**Section 6302 is amended to read as follows:**

**6302 EDUCATIONAL AND TRAINING REQUIREMENTS**

6302.1 Except as otherwise provided in this chapter, an applicant for a license to practice occupational therapy shall furnish proof satisfactory to the Board, in accordance with § 504(g)(1) of the Act, D.C. Official Code § 3-1205.04(g)(1), that the applicant has done the following:

- (a) Successfully completed an educational program for occupational therapists that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE); and
- (b) Successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant fulfilled his or her academic requirements.

**Section 6303 is amended to read as follows:**

**6303 APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

- 6303.1 The Board may grant a license to practice to an applicant who has his or her exam scores submitted from the National Board for Certification in Occupational Therapy (NBCOT) to the Board and who has completed an educational program in a foreign country whose program is approved by the World Federation of Occupational Therapists.
- 6303.2 The applicant shall be currently certified by the National Board for Certification in Occupational Therapy (NBCOT).
- 6303.3 In lieu of meeting the requirements of § 6302.1(a), an applicant for licensure as an occupational therapist shall submit evidence of successful completion of the occupational therapy certification examination developed by NBCOT for occupational therapists to the Board.
- 6303.4 An applicant shall arrange for the verification of the certification required by § 6303.2 to be sent directly from NBCOT to the Board.

**Section 6306 is amended as follows:**

**6306 CONTINUING EDUCATION REQUIREMENTS**

- 6306.1 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.
- 6306.2 A continuing education contact hour shall be valid only if it is part of a program or activity that the Board approves in accordance with §§ 6307 and 6308.
- 6306.3 An applicant for license renewal shall complete a minimum of twenty-four (24) contact hours of approved continuing education, in accordance with §§ 6307 and 6308, during the two (2) year period preceding the date the license expires.
- 6306.4 The Board may require proof of completion of the required continuing education. Such proof shall include the following information:
  - (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;

- (d) The number of contact hours claimed;
- (e) Verification by the sponsor of the applicant's completion, by signature or stamp of the sponsor; and
- (f) The name of the attendee.

6306.5 The Board may, at its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; or
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

6306.6 If the license of an occupational therapist expires while serving in the military whenever the United States is engaged in active military operations against any foreign power or hostile force, and the required continuing education hours were not earned during the earning period, the licensee shall be required to complete the required continuing education hours needed no later than six (6) months after discharge from active service, return to inactive military status, or return to the United States from an active war zone.

6306.7 The continuing education contact hours completed to satisfy the requirement of § 6306.7 shall not be counted toward meeting the continuing education requirement for the next licensing period.

6306.8 The credits received for each approved continuing education program shall be applied in full toward meeting the continuing education requirements for each renewal period. The proration of continuing education credits over more than one (1) renewal cycle shall not be allowed.

6306.9 A licensee who is licensed to practice in a jurisdiction other than the District shall meet the requirements of this section in order to be eligible for license renewal in the District.

**Section 6307 is amended to read as follows:**

**6307 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

6307.1 The Board may, at its discretion, approve continuing education programs and activities that contribute to the professional competence in the practice of occupational therapy and meet the other requirements of this section.

6307.2 The Board shall approve continuing education programs and activities that are

relevant to the practice or education of occupational therapists and occupational therapy assistants that document the following:

- (a) Current subject matter with course description;
- (b) Content focus;
- (c) Learning outcomes;
- (d) Target audience;
- (e) Satisfactory completion of the course by the course participant; and
- (f) The number of contact hours or continuing education units.

6307.3 The Board may approve the following types of activities provided that they are consistent with the requirements of this chapter:

- (a) Activities sponsored by the state or local occupational therapy organizations;
- (b) Activities sponsored by the American Occupational Therapy Association (AOTA), the American Physical Therapy Association (APTA), the American Speech-Language-Hearing Association (ASHA), and the American Society of Hand Therapists (ASHT);
- (c) Activities sponsored by AOTA approved providers;
- (d) Activities sponsored by an accredited healthcare facility; or
- (e) Activities sponsored by an accredited college or university.

6307.4 The following activities shall not meet the requirement of § 6307.1 and may not be approved as continuing education required under this chapter:

- (a) Mandatory non-clinical in-service competency or education programs including, but not limited to, Basic Cardiac Life Support (BCLS) or Cardiopulmonary Resuscitation (CPR), first aid, infection control, emergency preparedness, or documentation update; and
- (b) Mandatory organization-specific trainings or programs required as part of job performance or development.

6307.5 The Board may grant continuing education credits for the following activities:

- (a) Serving as an author of self-study article or series;



- (b) Serving as an instructor or speaker at a conference program or an academic course;
- (c) Serving as an instructor at a peer-reviewed or non-peer-reviewed seminar, workshop, or in-service training, whether in-person or web-based;
- (d) Serving as supervisor for persons authorized to practice pursuant to § 6317.2;
- (e) Serving as a clinical instructor for students of occupational therapy or students of any other health occupation;
- (f) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication;
- (g) Participating as a primary clinical fieldwork educator for Level I or Level II fieldwork;
- (h) Participating in board or committee work in connection with an agency or a non-profit organization whose mission is to promote and enhance the practice of occupational therapy; or
- (i) Participating in research as a principal investigator or research assistant.

6307.6 The licensee shall bear the burden of establishing to the Board's satisfaction that any supervisory activities, professional volunteer activities, or services as an instructor, speaker, publisher or editor are eligible for continuing education credit and approval in accordance with § 6307.1.

**Section 6308 is amended to read as follows:**

**6308 CONTINUING EDUCATION CREDITS**

6308.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) contact hour.

6308.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) contact hours of continuing education, and each quarter hour of credit shall constitute ten (10) contact hours of continuing education.

6308.3 The Board may grant continuing education credit for the activities described in § 6307.5(a), (b), or (c) subject to the following restrictions:

- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants;
- (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement;
- (c) If an applicant had previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program; and
- (d) The presentation shall have been completed during the period for which credit is claimed and includes documentation of the following:
  - (1) A copy of the official program or syllabus;
  - (2) The presentation title;
  - (3) The date of the presentation;
  - (4) The hours of the presentation;
  - (5) The type of audience addressed; and
  - (6) A verification of attendance signed by the sponsor.

6308.4 The Board may grant up to six (6) contact hours per renewal period for the activities described in § 6307.5(d). The supervisor shall submit a copy of the supervised practice letter to receive continuing education contact hours.

6308.5 The Board may grant one (1) continuing education contact hour for each hour of clinical instruction, up to a maximum of eight (8) contact hours per renewal period for the activities described in § 6307.5(e), with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates and duration of instruction; and
- (d) Signature of the program director.

- 6308.6 The Board may grant up to six (6) continuing education contact hours per renewal period for the activities described in § 6307.5(f), if the book, chapter, or article was published or accepted for publication during the period for which credit is claimed, and satisfactory proof is submitted to the Board.
- 6308.7 The Board may grant up to six (6) contact hours per renewal period for the activities described in § 6307.5(g), with the following documentation:
- (a) Name of student as verified by the school;
  - (b) Name of the school;
  - (c) Dates of the fieldwork; and
  - (d) Signature page of student evaluation excluding evaluation scores and comments on student.
- 6308.8 The Board may grant up to three (3) continuing education contact hours to an applicant under this section who has successfully completed a course on management which is directly related to occupational therapy.
- 6308.9 The Board may grant up to three (3) continuing education contact hours for the activities described in § 6307.5(h), provided that such participation totaled no less than eighteen (18) hours during a renewal period. The applicant shall provide the following documentation:
- (a) Name of the committee, board, agency or organization;
  - (b) Purpose for service;
  - (c) Description of duties and roles; and
  - (d) Validation of service by an officer or representative of the organization.
- 6308.10 The Board may grant up to six (6) contact hours for the activities described in § 6307.5(i), provided that such participation is sufficiently documented.
- 6308.11 The Board may require proof of a licensee's completion of continuing education at the completion of a renewal period. A licensee shall:
- (a) Maintain the required proof of completion for each continuing competence activity as specified in these regulations; and
  - (b) Retain documentation of a continuing competence activity for a minimum of two (2) years following the last day of the license renewal period for which the continuing competence activity was completed.

**Section 6309 is amended to read as follows:**

**6309 REACTIVATION**

6309.1 The requirements of this section shall apply to licensees under this chapter who have been in inactive status and seeks reactivation of their license in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.

6309.2 A reactivation applicant who has been inactive five (5) years or less and does not hold a license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed twelve (12) contact hours in clinical coursework in an approved continuing education program for each year that the applicant was not licensed, up to a maximum of sixty (60) hours.

6309.3 A reactivation application who has been inactive for more than 5 (five) years and who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Twelve (12) contact hours in clinical coursework in an approved continuing competence program for each year that the applicant was not licensed, up to a maximum of sixty (60) hours. Twenty-four (24) of those contact hours shall have been completed within two (2) years prior to the date the application is submitted; and
- (b) One hundred sixty (160) hours of supervised clinical training by a licensed occupational therapist within the two (2) months prior to the date the application is submitted.

6309.4 An applicant for reactivation of an occupational therapy license who holds an active license in any other jurisdiction shall not be required to submit proof of continuing education contact hours with the application.

**Section 6310 is amended to read as follows:**

**6310 REINSTATEMENT**

6310.1 The requirements of this section shall apply to persons with expired licenses who seek reinstatement within five (5) years in accordance with § 512(a) of the Act, D.C. Official Code § 3-1205.12(a).

6310.2 A person may not apply for reinstatement if his or her license has expired for more than five (5) years.

6310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall submit proof of having completed twelve (12) contact hours of continuing education for each year that the applicant was not licensed in the District, up to a

maximum of sixty (60) hours. Twenty-four (24) contact hours must have been completed within two (2) years prior to the date the application is submitted.

6310.4 A reinstatement applicant who does not hold an active license in any jurisdiction shall submit proof of having completed the following:

- (a) Twelve (12) contact hours in clinical coursework in an approved continuing education program for each year that the applicant was not licensed up to a maximum of sixty (60) hours. Twenty-four (24) contact hours shall have been completed within two (2) years prior to the date the application is submitted; and
- (b) One hundred sixty (160) hours of supervised clinical training by a licensed occupational therapist within two (2) months prior to the date the application is submitted.

**Section 6311 is amended to read as follows:**

**6311 ENDORSEMENT**

6311.1 The Board shall issue a license by endorsement to an occupational therapist who has a valid unrestricted license in good standing from another jurisdiction of the United States and who meets all other requirements of this section.

6311.2 An applicant for licensure as an occupational therapist by endorsement shall submit with a completed application the following:

- (a) Official, certified proof of active licensure in at least one (1) jurisdiction;
- (b) Proof of good standing from all jurisdictions in which the occupational therapist ever held a license in the United States;
- (c) Official, certified proof from NBCOT that the applicant has passed the NBCOT examination; and
- (d) Proof that the applicant is a graduate of a professional occupational therapy or occupational therapy assistant education program, as relevant to the license, accredited by an agency that the United States Department of Education recognizes for that purpose, or that the Board approves.

**Section 6312 is amended to read as follows:**

**6312 RESPONSIBILITIES**

6312.1 An occupational therapist shall exercise sound judgment and provide adequate care in the performance of duties in accordance with nationally recognized

standards of practice while treating patients or supervising the treatment of patients.

- 6312.2 An occupational therapist shall be responsible for managing all aspects of the occupational therapy care of each patient. An occupational therapist shall provide the following:
- (a) The initial evaluation and treatment plan for each patient and all supporting documentation;
  - (b) Periodic reevaluation for each patient and all supporting documentation; and
  - (c) The documented discharge of the patient, including the response to the intervention at the time of discharge.
- 6312.3 An occupational therapist who has been assigned to supervise a student training to be an occupational therapist shall:
- (a) Directly supervise the student assigned to him or her; and
  - (b) Countersign all official or service-related documentation that the student drafts.
- 6312.4 An occupational therapist supervising a student shall be responsible for all of the students' actions performed within the scope of practice during the time of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the person supervised.
- 6312.5 An occupational therapist supervising an occupational therapy assistant shall be responsible for all of the occupational therapy assistant's actions performed within the scope of practice during the time of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the occupational therapy assistant under his or her supervision.
- 6312.6 A supervising occupational therapist shall provide the following:
- (a) Direct supervision of an occupational therapy assistant prior to initiating treatment programs and before planned discharges for patients;
  - (b) An initial and, at a minimum, bimonthly direction to the occupational therapy assistant; and
  - (c) Documentation for verification of supervision and direction.

6312.7 A supervising occupational therapist shall only delegate duties and responsibilities for the care of patients to the occupational therapy assistant with consideration given to the following:

- (a) The level of skill shown by the occupational therapy assistant;
- (b) The ability to use identified intervention in a safe and effective manner;
- (c) Experience of the occupational therapy assistant and work setting demands; and
- (d) The complexity and stability of the patient population to be treated.

**Section 6313, STANDARDS OF PRACTICE FOR OCCUPATIONAL THERAPY ASSISTANTS, is deleted and replaced by the following:**

**6313 RE-LICENSURE**

6313.1 The requirements of this section shall apply to persons seeking re-licensure five (5) or more years after the expiration of their license.

6313.2 A re-licensure applicant shall submit proof of his or her educational and examination eligibilities in accordance with the requirements of §§ 6302 and 6303 and one of the following:

- (a) A certificate of good standing from a jurisdiction in the United States in which he or she holds an active license; or
- (b) Proof of completion of one hundred sixty (160) hours of supervised practice in accordance with § 7315 within the two (2) months prior to the date the application is submitted.

**Section 6314 is amended to read as follows:**

**6314 OCCUPATIONAL THERAPY AIDES**

6314.1 An occupational therapy aide may be permitted to perform the following duties:

- (a) Under direct supervision of an occupational therapist:
  - (1) Guarding;
  - (2) Positioning;
  - (3) Holding body parts for splinting or bracing; and
  - (4) Assisting with group and community reentry activities;

- (b) Under direct supervision of an occupational therapist or occupational therapy assistant:
  - (1) Transfer practice;
  - (2) Assisting in routine:
    - A) Functional activity;
    - B) Functional exercise; and
    - C) Activities of daily living (ADL) program;
  - (3) Applying assistive devices;
  - (4) Applying adaptive devices;
  - (5) Assisting the client with the use of assistive equipment; and
  - (6) Reality orientation for the confused client; and
- (c) Under general supervision of an occupational therapist or an occupational therapy assistant:
  - (1) Clerical;
  - (2) Secretarial;
  - (3) Housekeeping;
  - (4) Supply maintenance;
  - (5) Equipment maintenance;
  - (6) Fabrication of straps for splinting and bracing;
  - (7) Fabrication of assistive devices that are not work directly by a client;
  - (8) Routine transfers for transporting clients;
  - (9) Transporting clients; and
  - (10) Activities ancillary to group and individual activities.

6314.2 An occupational therapy aide shall not be permitted to do the following under any circumstance:

- (a) Interpret care plans;
- (b) Participate in care conferences;
- (c) Provide any hands-on care except as specified above;



- (d) Interpret referrals;
- (e) Perform evaluation procedures;
- (f) Initiate or adjust treatment programs;
- (g) Assume responsibility for planning treatment care; or
- (h) Document care given, including checklists or other forms of documentation.

**Section 6315, CONTINUING EDUCATION AUDIT, is amended as follows:**

**Section 6315.3 is added to read as follows:**

6315.3 A licensee who fails to provide proof of continuing education compliance during an audit may be subject to an audit in the subsequent renewal cycle.

**Section 6317, PRACTICE OF OCCUPATIONAL THERAPY BY A STUDENT, GRADUATE, OR PERSON SEEKING LICENSURE, RE-LICENSURE, REACTIVATION OR REINSTATEMENT, is added to read as follows:**

**6317 PRACTICE OF OCCUPATIONAL THERAPY BY A STUDENT, GRADUATE, OR PERSON SEEKING LICENSURE, RE-LICENSURE, REACTIVATION OR REINSTATEMENT**

6317.1 A student of occupational therapy, graduate of an occupational therapy program or other person seeking licensure, reactivation, or re-licensure may practice only under the supervision of an occupational therapist with valid, unrestricted license in the District and in accordance with this section.

6317.2 Only the following person may practice under this section:

- (a) A student whose practice fulfills their educational requirements as described in § 103(c) of the Act, D.C. Official Code § 3-1201.03 (c) (2012 Repl.) and § 6302.1(b) of this chapter;
- (b) An applicant for licensure whose application has been properly filed with the Board and is pending the result of the national examination or final approval by the Board;
- (c) A person seeking reactivation of licensure as described in § 6309.3;
- (d) A person seeking re-instatement of licensure in accordance with § 6310.4; or

- (e) A person seeking re-licensure five (5) or more years after the expiration of their previous license as described in § 6313.
- 6317.3 A supervisor of a person described in § 6317.2(b), (c), (d), or (e) shall, no less than two (2) weeks prior to the supervision begins, seek the authorization of the Board by providing the following information:
  - (a) The supervisor's name and address;
  - (b) The name of the student or person seeking licensure, reactivation, or re-licensure;
  - (c) The expected period of supervision;
  - (d) The nature and location of the practice of the student or person seeking licensure, reactivation, or re-licensure; and
  - (e) The attestation that the supervisor understands and intends to comply with the supervisory requirements under this chapter.
- 6317.4 A person seeking to practice under supervision may begin the supervised practice after the Board has approved and authorized the practice.
- 6317.5 Supervised practice authorized for a person described in § 6317.2(c), (d), or (e) shall not exceed four (4) months.
- 6317.6 Supervised practice authorized for a person described in § 6317.2(b) shall not exceed sixty (60) days.
- 6317.7 A person engaged in supervised practice under this section shall identify himself or herself as a student or person practicing under supervision at all times including prior to the initiation of any practice with a client.
- 6317.8 Any of the following events shall result in an automatic and immediate termination of the authorized supervised practice:
  - (a) Failure to pass the national examination if the supervised practice has been approved based on a pending license application;
  - (b) The supervision is terminated for any reasons by either the supervisor or the supervisee; or
  - (c) An arrest or charge for a felony.
- 6317.9 A person practicing under supervision in accordance with this section shall not receive any compensation of any nature, directly or indirectly, from a patient but

may receive a salary or other form of compensation from his or her supervisor based on the hours of practice performed.

6317.10 The supervisor shall be fully responsible for all supervised practice by the supervisee during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the supervisee.

6317.11 A person authorized to practice under supervision pursuant to this section shall be subject to all applicable provisions of the Act and this chapter. The Board may deny his or her application for license or take any disciplinary action against him or her in accordance with Chapter 41 of this title if he or she has been found to have violated the Act or this chapter.

**Section 6399 is amended as follows:**

6399.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Applicant** - A person applying for a license to practice as an occupational therapist, or to practice as an occupational therapy assistant, under this chapter, as the context requires.

**Board** - The Board of Occupational Therapy, established by § 206 of the Act, D.C. Official Code § 3-1202.06 (2012 Repl.).

**Contact hour** - At least fifty (50) minutes of continuing education credit.

**Direct supervision** - Supervision in which the supervisor is personally present and immediately available within the treatment area to give aid, direction, and instruction when occupational therapy procedures or activities are performed.

**General supervision** - Supervision in which the supervisor is available on the premises or by communication device at the time the supervisee is practicing, and can be on-site in the event of a clinical emergency within two (2) hours.

**Graduate** - A person who has completed an educational program for occupational therapists that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) and is seeking or has obtained authorization to practice occupational therapy without a license under the supervision of a licensed occupational therapist.

**Level I Fieldwork** - Enrichment of didactic coursework through direct observation and participation in selected aspects of the occupational

therapy process to enable students to develop a basic comfort level with and understanding of the needs of clients.

**Level II Fieldwork** - Development of competent entry-level, general occupational therapists and occupational therapy assistants through exposure to in-depth experiences in delivering occupational therapy services to a variety of clients.

**Occupational therapist** - A person licensed to practice occupational therapy under the Act.

**Occupational therapy-** (i) The therapeutic use of everyday life activities with individuals or groups, with or without compensation, for the purpose of participation in roles and situations in homes, schools, workplaces, communities, and other settings to promote health and welfare for those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction; (ii) Addressing the physical, cognitive, psycho-social, sensory, or other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life; (iii) The education and training of persons in the direct care of patients through the use of occupational therapy; and (iv) The education and training of persons in the field of occupational therapy.

**Occupational therapy aide** - A person who has received on-the-job training in occupational therapy and is employed in an occupational therapy setting under the immediate supervision of a licensed occupational therapist.

**Occupational therapy assistant** - A person licensed to practice as an occupational therapy assistant under the Act.

6399.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference and apply to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip L. Husband, Acting General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Administrative Assistant, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, 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); 38-1202.06(3),(13) (2012 Repl. & 2013 Supp.)), hereby gives notice of its intent to amend Chapter 8 (Information, Records, and Publications) of Subtitle B (University of the District of Columbia), Title 8 (Higher Education), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to update the University Freedom of Information Act regulations in compliance with current law. The Board of Trustees also gives notice it will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 8, INFORMATION, RECORDS, and PUBLICATIONS, of Subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of Title 8, HIGHER EDUCATION, is amended as follows:**

**Section 804, FREEDOM OF INFORMATION ACT PROCEDURES, is amended as follows:**

**804 FREEDOM OF INFORMATION ACT**

804.1 This chapter contains the rules and procedures to be followed by the University in implementing the Freedom of Information Act, D.C. Official Code §§ 2-531-539 (hereinafter "the Act") and all persons (hereinafter "requesters") requesting records pursuant to the Act.

804.2 Employees may continue to furnish to the public, informally and without compliance with these procedures, information and records, which they customarily furnish in the regular performance of their duties.

804.3 The public policy of the District of Columbia Government is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees consistent with the provisions of the D.C. FOIA Act. All records not exempt from disclosure shall be made available. Moreover, records exempt from mandatory disclosure shall be made available as a matter of discretion when disclosure is not prohibited by law or is not against the public interest.

**Section 805, UNIVERSITY RESPONSIBILITIES, is amended as follows:**

**805 UNIVERSITY RESPONSIBILITY**

- 805.1 The ultimate responsibility for responding to requests for records is vested in the Board of Trustees.
- 805.2 The Board of Trustees shall designate an individual as the Freedom of Information Officer and may delegate to that individual the authority to grant and deny requests and to respond to appeals pursuant to FOIA law.
- 805.3 The University shall post the name, title, address, telephone number, fax number, and e-mail address of its designated Freedom of Information Officer on its web page.
- 805.4 The Freedom of Information Officer shall attend meetings and training sessions, as required by law.
- 805.5 All agency employees who maintain records shall assist the designated Freedom of Information Officer, as appropriate, with the identification and search of responsive records.

**Sections 806-811 are added as follows:**

**806 REQUESTS FOR RECORDS**

- 806.1 A FOIA request may be submitted orally or in writing.
- 806.2 Although oral requests may be honored, a requester may be asked to submit in writing a request for records.
- 806.3 A written request may be mailed, faxed or e-mailed to the University Freedom of Information Officer or Board of Trustees in the absence of a designated Freedom of Information Officer. The outside of the envelope or the subject line of the fax or e-mail shall state: "Freedom of Information Act Request" or "FOIA Request". In addition, a request shall include a daytime telephone number, e-mail address or mailing address for the requester.
- 806.4 A request shall reasonably describe the desired record(s). Where possible, specific information regarding names, places, events, subjects, dates, files, titles, file designation, or other identifying information shall be supplied.
- 806.5 Where the information supplied by the requester is not sufficient to permit the identification and location of the record by the agency without an unreasonable amount of effort, the requester shall be contacted and asked to supplement the request with the necessary information. Every reasonable effort shall be made by

the agency to assist in the identification and location of requested records.

**807 TIME LIMITATIONS**

807.1 Within the time prescribed by applicable law following the receipt of a request, the University shall determine whether to grant or to deny the request and shall dispatch its determination to the requester, unless an extension is made.

807.2 In unusual circumstances, the University may extend the time for initial determination on a request up to the time prescribed by applicable law.

807.3 An extension shall be made by written notice to the requester, which shall set forth the reason or reasons for the extension. As used in this section "unusual circumstances" means, but only to the extent necessary to the proper processing of the request, either of the following:

- (a) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- (b) The need for consultation with another agency having a substantial interest in the determination of the request or among two (2) or more components of the agency having substantial subject matter interest therein.

807.4 If no determination has been dispatched at the end of the period prescribed by law or the extension thereof, the requester may deem his or her request denied, and exercise a right of appeal in accordance with § 811.

807.5 When no determination can be dispatched within the applicable time limit, the University shall nevertheless continue to process the request. On expiration of the time limit, the University shall inform the requester of the following:

- (a) The reason for the delay;
- (b) The date on which a determination may be expected; and
- (c) The right to treat the delay as a denial and of the appeal rights provided by the Act and this chapter.

The University may ask the requester to forego appeal until a determination is made.

807.6 For purposes of this chapter, a request is deemed received when the designated Freedom of Information Officer, or the Board of Trustees in the absence of a designated Freedom of Information Officer, receives the request submitted in compliance with the Act and this chapter. When the Freedom of Information

Officer, pursuant to § 806.5, contacts the requester for additional information, then the request is deemed received when the Freedom of Information Officer receives the additional information.

**808 EXEMPTIONS**

808.1 No requested record shall be withheld from inspection or copying unless both of the following criteria apply:

- (a) It comes within one of the classes of records exempted by D.C. Law 1-96; and
- (b) There is need in the public interest to withhold it.

**809 RESPONSES TO REQUESTS**

809.1 When a requested record has been identified and is available, the University shall notify the requester where and when the record will be made available for inspection or copies will be made available. The notification shall also advise the requester of any applicable fees.

809.2 A response denying a written request for a record shall be in writing and shall include the following information:

- (a) The identity of each person responsible for the denial, if different from that of the person signing the letter of denial;
- (b) A reference to the specific exemption or exemptions authorizing the withholding of the record with a brief explanation how each exemption applies to the record withheld. Where more than one record has been requested and is being withheld, the foregoing information shall be provided for each record or portion of a record withheld; and
- (c) A statement of the appeal rights provided by the Act and this chapter.

809.3 If a requested record cannot be located from the information supplied or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

**810 FEES**

810.1 Charges for services rendered in response to information requests shall be as follows (not to exceed a maximum search fee per request as may be imposed by applicable law):



- (a) Searching for records, \$4.00 per quarter hour, after 1st hour, by clerical personnel as determined by UDC;
- (b) Searching for records, \$7.00 per quarter hour after the 1<sup>st</sup> hour, by professional personnel as determined by UDC;
- (c) Searching for records, \$10.00 per quarter hour after the 1st hour, by supervisory personnel as determined by UDC;
- (d) Copies made by photocopy machines, \$ .25 per page;
- (e) Charges for the initial review of documents, as permitted by applicable law, shall be assessed at the rate provided in Subsections (a), (b), and (c) above.

810.2 When a response to a request requires services or materials for which no fee has been established, the direct cost of the services or materials to the government may be charged, but only if the requester has been notified of the cost before it is incurred.

810.3 Where an extensive number of documents is identified and collected in response to a request and the requester has not indicated in advance his or her willingness to pay fees as high as are anticipated for copies of the documents, the University shall inform the requester that the documents are available for inspection and for subsequent copying at the established rate.

810.4 A charge of one dollar (\$ 1) shall be made for each certification of true copies of University records.

810.5 Search costs, not to exceed any dollar limitation prescribed by the Act for each request, may be imposed even if the requested record cannot be located. No fees shall be charged for examination and review by the University to determine whether a record is subject to disclosure.

810.6 To the extent permitted by applicable law, the University shall require that fees as prescribed by these rules shall be paid in full prior to issuance of requested copies.

810.7 Remittances shall be in the form either of a personal check or bank draft on a bank in the United States, or a postal money order. Remittance shall be made payable to the order of the University of the District of Columbia and mailed or otherwise delivered to the Freedom of Information Officer, or the Board of Trustees in the absence of a designated Freedom of Information Officer.

810.8 A receipt for fees paid shall be given only upon request. No refund shall be made for services rendered.

810.9 The University may waive all or part of any fee when it is deemed to be either in the Universities interest or in the interest of the public.

810.10 A requester seeking a waiver or reduction of fees shall provide a statement in his or her request letter explaining how the requested records will be used to benefit the general public.

## **811 APPEALS**

811.1 A requestor may appeal a denial of a request to the Mayor. All appeals shall be in writing and shall include:

- (a) Statement of the circumstances, reasons or arguments advanced in support of disclosure;
- (b) Copy of the original request, if any;
- (c) Copy of any written denial issued under § 809.2; and
- (d) Daytime telephone number, email address or mailing address for the requester.

811.2 The appeal letter shall include “Freedom of Information Act Appeal” or “FOIA Appeal” in the subject line of the letter as well as marked on the outside of the envelope. The appeal shall be mailed to:

Mayor's Correspondence Unit  
FOIA Appeal  
1350 Pennsylvania Ave, NW  
Suite 316  
Washington, D.C. 20004

811.3 The requester shall forward a copy of the appeal to the Freedom of Information Officer, or the Board of Trustees in the absence of a designated Freedom of Information Officer

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 301-Q, 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](mailto:smills@udc.edu). Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: Tuition and Fees” in the subject line. Copies of the proposed rules may be obtained from the Office of General Counsel at the address set forth above.

## 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 (2012 Repl. & 2013 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) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 1917 (Live-In Caregiver), of Chapter 19 (Home and Community-based Waiver Services for Individuals with Intellectual and Developmental Disabilities), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of shared living services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Shared living services are supports provided in a person's home by a principal care provider who lives as a roommate to enable the person to live in the community independently and without constant supervision. The roommate provides support as needed to meet the physical and social needs of the person that naturally occur during the course of a day. These rules amend the previously published rules by: (1) renaming Section 1917, previously referred to as "Live-in Caregiver Services", to "Shared Living Services"; (2) establishing guidelines for the maintenance of documents for purposes of monitoring and audit reviews; (3) setting provider guidelines for the development and execution of a Shared Living Service Agreement between the provider for the agency (principal care provider) and the individual receiving waiver services; (4) defining record-keeping and maintenance requirements; and (5) providing an updated definition for terms and phrases used in this chapter.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of shared living services. Based upon current reporting and record maintenance requirements, there are insufficient safeguards in place to make sure that providers are qualified and taking the necessary steps to ensure that beneficiaries are receiving quality services. By taking emergency action, these rules will clarify the duties and responsibilities of shared living providers and increase their accountability. In addition, these rules will provide the District with the tools needed to increase oversight and to closely monitor the quality and appropriateness of services being delivered to beneficiaries.

The emergency rulemaking was adopted on August 28, 2013, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until

December 25, 2013, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Section 1917 (Live in Caregiver) of Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29, (Public Welfare) of the DCMR is amended to read as follows:**

**1917 SHARED LIVING SERVICES**

1917.1 The purpose of this section is to establish standards governing Medicaid eligibility for shared living services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers who deliver shared living services.

1917.2 Shared living services are supports provided in a person’s home by a principal care provider who lives as a roommate to enable the person to live in the community independently and without constant supervision. The roommate provides support as needed to meet the physical and social needs of the person that naturally occur during the course of a day.

1917.3 In order to receive Medicaid reimbursement for shared living services, a person shall:

- (a) Currently reside in a home that they own or lease;
- (b) Not require twenty-four (24) hour supervision or support; and
- (c) Have habilitation or individual support needs.

1917.4 Medicaid reimbursable shared living services shall be:

- (a) Provided in the person’s own home, by a roommate who lives there in exchange for room and board; and
- (b) Identified as a support in the person’s Individual Support Plan (ISP) and Plan of Care.

- 1917.5 Each Waiver provider shall execute a written Shared Living Services Agreement, (hereinafter referred to as the “Agreement”), developed as part of the person’s Plan of Care, that defines at a minimum the shared responsibilities between the roommate, and the person receiving waiver services, and indicating that the roommate may secure employment apart from his/her prescribed role.
- 1917.6 Each Waiver provider shall recruit, or assist the person desiring the service to recruit, the roommate. The roommate providing the actual support shall be referred to as the provider for the agency.
- 1917.7 In order to be eligible for Medicaid reimbursement, the Waiver provider shall:
- (a) Execute the Agreement between the person receiving services and the provider for the agency, prior to the initiation of services;
  - (b) Revise the Agreement in accordance with the recommendations of the person, his/her support team, the Waiver provider, and the provider for the agency;
  - (c) Participate in the development of the ISP by describing the duties of the provider agency;
  - (d) Propose modifications to the ISP and Plan of Care, as appropriate;
  - (e) Provide emergency services as needed;
  - (f) Provide the person receiving shared living with up to fourteen (14) days of respite per year;
  - (g) Provide oversight of the delivery of services;
  - (h) Contact the provider for the agency at least once per month; and
  - (i) Provide initial and quarterly inspections of the person’s home to ensure their health, safety, and wellbeing.
- 1917.8 In order to be eligible for Medicaid reimbursement, each provider for the agency shall provide habilitative and personal supports as described in the Agreement and outlined in the ISP and Plan of Care, which shall include, but not be limited to, the following:
- (a) Assisting with activities of daily living and instrumental activities of daily living, such as meal preparation, laundry, shopping, money management, banking, and general housekeeping;
  - (b) Fostering the development of good social and adaptive skills to enable the person to participate successfully in the community;

- (c) Assisting with accessing community resources to increase the person’s chances of community inclusion;
- (d) Improving the person’s skills related to health and safety; and
- (e) Supervising and supporting the person as described in the ISP and Plan of Care.

1917.9 In order to be eligible for Medicaid reimbursement, each Waiver provider shall meet all of the following criteria:

- (a) Comply with the DDS Provider Certification Review;
- (b) Have experience with providing Supported Living, Residential Habilitation, Host Home, In-Home Supports, Respite, or other relevant services; and
- (c) Comply with the requirements described under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19, Title 29 of the DCMR.

1917.10 The provider for the agency shall:

- (a) Be chosen by the person, with support from his or her support team;
- (b) Have a written agreement with the Waiver provider agency;
- (c) Participate in the development of the person’s ISP and Plan of Care;
- (d) Comply with any additional requirements identified by the Waiver provider agency; and
- (e) Comply with the requirements described under Section 1906 (Requirements for Direct Support Professionals) of Chapter 19, Title 29 of the DCMR.

1917.11 Services shall only be authorized for Medicaid reimbursement if the following conditions are met:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The service name and Waiver provider delivering services shall be identified in the ISP and Plan of Care;
- (c) The ISP and Plan of Care, and Summary of Supports and Services shall document the supports and services to be received including that the

provider for the agency shall be responsible for no more than four (4) hours of support per day; and

- (d) Services shall not conflict with the service limitations described under Section 1917.15

- 1917.12 Each Waiver provider of shared living services shall comply with the requirements described under Sections 1908 (Reporting Requirements), 1909 (Records and Confidentiality of Information) and 1911 (Individual Rights) of Chapter 19, Title 29 of the DCMR.
- 1917.13 Shared living services shall not be billed on the same day as residential habilitation, supported living, in-home supports, or host home services.
- 1917.14 Shared living services shall not be provided by a spouse, parent, or guardian, or any other legally responsible individual who would customarily perform, or be responsible for performing supports on behalf of the person. A family member who is not legally responsible for the person and meets all other requirements shall be eligible to administer shared living services.
- 1917.15 A provider for the agency shall be responsible for no more than four (4) hours of support per day.
- 1917.16 The reimbursement rate shall be one thousand eight hundred thirty three dollars and thirty-three cents (\$1,833.33) per month for each person based on the Agreement.

**Section 1999 (DEFINITIONS) is amended by adding the following:**

**Provider for the agency** – The Waiver person’s roommate or principal care provider who is hired as a contract employee by the Waiver provider to provide shared living supports to the individual.

Comments on the proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone at (202) 442-9115, via email at [DHCFpubliccomments@dc.gov](mailto:DHCFpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from 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 (2012 Repl. & 2013 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) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of a new Section 1925, entitled “Individualized Day Supports Services”, of Chapter 19 (Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR).

These emergency and proposed rules establish standards governing reimbursement of individualized day supports services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Individualized day supports is a new service offered under the ID/DD Waiver. These services are structured habilitative day activities approved through an Individualized Support Plan and Plan of Care that support individuals in small community-based group settings. Services can be provided to persons who are transitioning into retirement; suffering from degenerative conditions; or for those who have previously participated in a day habilitation service setting and now wish to participate in a smaller, and more individualized setting. These rules: (1) establish guidelines for the delivery of individualized day supports services; (2) establish enrollment requirements for professional providers of individualized day supports services; and (3) require providers to follow specific service delivery requirements to promote more efficient service utilization management practices.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Waiver participants who are in need of individualized day support services. Individualized day supports services provide crucial habilitation supports in the community to ensure that a person’s social skills are enhanced outside of his/her home to foster independence and encourage community integration. These rules are essential because they establish the parameters for the delivery and monitoring of all individualized day supports services. Publishing these rules on an emergency basis will mitigate any potential harm to a person’s welfare that may result from lack of access to these services as set forth in the approved Waiver.

The emergency rulemaking was adopted on August 12, 2013 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until



December 9, 2013, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**A new Section 1925 (Individualized Day Supports) is added to Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR, to read as follows:**

**1925 INDIVIDUALIZED DAY SUPPORTS**

- 1925.1 This section establishes standards governing Medicaid eligibility for individualized day supports services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and shall establish conditions of participation for providers of individualized day supports services seeking Medicaid reimbursement.
- 1925.2 The following rules pertain only to Medicaid reimbursable individualized day supports services to be received by an individual enrolled in the Waiver, hereinafter referred to as “person” or “persons”.
- 1925.3 In order to receive Medicaid reimbursement for individualized day supports services, a provider must document that the need for the service is consistent with the person’s Individual Support Plan (ISP) and Plan of Care, and show at least one of the following:
- (a) That the person chooses to participate in habilitation services;
  - (b) That the person chooses to continue habilitation services in a non-traditional community-based setting;
  - (c) That the person is transitioning into retirement and chooses to continue habilitation services;
  - (d) That the person’s social development would be greatly enhanced by individualized day support services;
  - (e) That the person’s performance of activities of daily living would improve;  
or
  - (f) That the person has a documented need for individualized day supports due to medical or safety issues that are consistent with the Health Care Management Plan (HCMP) and Behavioral Support Plan.

- 1925.4 Medicaid reimbursable individualized day supports services shall:
- (a) Be habilitative in nature;
  - (b) Be delivered in a community setting; and
  - (c) Be provided in a group consisting of no more than two (2) persons.
- 1925.5 Medicaid reimbursable individualized day supports services shall provide:
- (a) Highly individualized, structured activities that emphasize social skills development, vocational exploration, and life skills training, within an inclusive community setting;
  - (b) Activities that maximize the person's functional levels;
  - (c) Activities that support the person's choice in identifying his or her own areas of interest and preferences;
  - (d) Activities that provide opportunities for socialization including leisure activities that enhance adult skill development in the community;
  - (e) Training in the safe and effective use of one or more modes of accessible public transportation; and
  - (f) Coordination and provision of transportation to participate in community activities consistent with this service.
- 1925.6 In order to be eligible for Medicaid reimbursement, each individualized day supports provider entity shall:
- (a) Comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19, Title 29 of the DCMR;
  - (b) Have a minimum of five (5) years of experience providing day services to persons with intellectual disabilities and/or developmental disabilities;
  - (c) Provide verification of passing the Department on Disability Services (DDS) provider certification review for at least three (3) years;
  - (d) Provide oversight, supervision and training of all Direct Service Personnel (DSP) providing individualized day supports; and
  - (e) Maintain a staff-to-person ratio as indicated in the ISP and Plan of Care up to a maximum ratio of one to two (1:2), ensuring that services meet the person's needs and are provided appropriately and safely.

- 1925.7 Services shall only be authorized for Medicaid reimbursement if the following conditions are met:
- (a) DDS provides a written service authorization before beginning service delivery;
  - (b) The individualized day support service name, enrolled provider and DSP rendering service are identified in the ISP, Plan of Care and Summary of Support Services;
  - (c) The amount and frequency of services to be received is documented in the ISP, Plan of Care and Summary of Support Services;
  - (d) Services shall not conflict with the service limitations described under Section 1925.11;
  - (e) The staffing plan, and individualized activity plan described under Section 1925.8 are submitted upon commencement of services; and
  - (f) The quarterly reports shall be submitted within thirty (30) days after the commencement of the first quarter and each subsequent quarter.
- 1925.8 Each DSP providing individualized day supports shall meet all of the requirements in Section 1906 (Requirements for Direct Support Professionals) of Chapter 19, Title 29 of the DCMR, in order to be eligible for Medicaid Reimbursement.
- 1925.9 In order to be eligible for Medicaid reimbursement each DSP providing individualized day supports services shall meet the following requirements:
- (a) Assist with the development of the individualized activity plan to implement the individualized day supports services;
  - (b) Coordinate the scheduled activities specified under the individualized activity plan; and
  - (c) Utilize positive behavioral support strategies and crisis interventions as described in the approved Behavioral Support Plan to address emergency situations.
- 1925.10 Each provider entity of individualized day supports services shall, in order to be eligible for Medicaid reimbursement, maintain documents for monitoring and audit reviews as described under Section 1909 (Records and Confidentiality of Information) of Chapter 19, Title 29 of the DCMR, and maintain the following additional records:
- (a) A list of the names and types of staff who will provide services when back-up staff is unavailable, if the lack of immediate care poses a serious threat to the person's health and welfare; and

- (b) The individualized activity plan containing the following information:
  - (1) The name of the person receiving the services;
  - (2) The name of the DSP rendering services;
  - (3) The schedule of activities taking place in the community, including the date, start and end time that the person receiving services will participate in;
  - (4) The goals, including measurable outcomes which promote community integration, for all services identified in the ISP and Plan of Care;
  - (5) The strategies that were used to execute the goals for all services that have been identified in the ISP and Plan of Care;
  - (6) The teaching strategies that were implemented to achieve the goal that coincides with the date, time and response of the person receiving services to the strategy used;
  - (7) The observations made by the DSP regarding the person receiving services' newly acquired skills that should be included in the person's amended or annual ISP; and
  - (8) The learning styles of the person.

1925.11 In order to be eligible for Medicaid reimbursement, each Provider shall comply with Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19, Title 29 of the DCMR.

1925.12 Medicaid shall only reimburse individualized day supports services for six (6) hours per day, and up to five (5) days a week.

1925.13 Medicaid does not reimburse the person's family and other individuals who reside with the person receiving individualized day supports services to qualify as a DSP.

1925.14 A DSP shall not perform individualized day support services if he/she also provides the person with the following waiver services:

- (a) Residential Habilitation;
- (b) Supported Living;
- (c) Shared Living;

- (d) Host Home; and
- (h) In-Home Supports.

1925.15 Individualized day supports shall be billed at the unit rate. The reimbursement rate shall be six dollars and eleven cents (\$6.11) per billable unit or twenty-four dollars and forty-four cents (\$24.44) per hour. This service shall not exceed 1,560 hours per year or 6,250 units annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of services to bill for one (1) unit of service.

1925.16 Individualized day supports services shall not be billed concurrently with the following services:

- (a) Supported Employment;
- (b) Employment Readiness;
- (c) Day Habilitation;
- (d) Respite;
- (e) Shared Living; and
- (f) Transportation-Community Access.

**Section 1999 (DEFINITIONS) is amended by adding the following:**

**Individualized Activity Plan** - A plan that includes structured activities and practical experiences by incorporating goals and strategies that best meets the individual’s interests, needs and learning styles and that can be implemented within a flexible time period.

**Person** – An individual enrolled in the Home and Community Based Services Waiver for Individuals with Intellectual and Developmental Disabilities.

Comments on the emergency and proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., MPH, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone on (202) 442-9115, via email at [DHCFpubliccomments@dc.gov](mailto:DHCFpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from 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.744; Pub. L. 90-227, D.C. Official Code § 1-307.02 (2012 Repl. & 2013 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) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 65 (Medicaid Reimbursement to Nursing Facilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to Section 6508, entitled “Final Per Diem Rate Calculation”, each nursing facility located in the District of Columbia participating in the Medicaid program is reimbursed on a prospective basis, at a facility-specific per diem rate. This rate is calculated by establishing a base year per diem rate for each facility, adjusted semi-annually for case-mix, adjusted annually for inflation, and subject to other adjustments. Effective January 1, 2011, an amendment to the State Plan eliminated the annual inflation adjustment in order to create budget savings.

DHCF has submitted a State Plan amendment to the Centers for Medicare and Medicaid Services (CMS) that, if approved, will reinstate the annual inflation adjustment for nursing facility per diem rates; this amendment includes minor clarifications of the formula for calculating the annual inflation adjustment from January 1, 2006 to the present, to reflect actual accounting practices. Preceding the State Plan submission, the amendment was approved by the Council of the District of Columbia through the Medical Assistance Program Emergency Amendment Act of 2013, effective July 30, 2013 (D.C. Act 20-130; 60 DCR 11384). While the amendment is under review by CMS, emergency action is required to promote and preserve the health, welfare and safety of District residents under the care of nursing facilities that continue to provide safe and appropriate health care services to District Medicaid beneficiaries. The estimated federal impact for fiscal year 2014 will be \$3.209 million. For fiscal year 2015, the estimated federal impact will be \$3.263 million.

The emergency rulemaking was adopted on September 23, 2013 and will become effective on October 1, 2013, if the corresponding State Plan amendment is approved by CMS by that date, or on the effective date established by CMS in its approval of the corresponding State Plan amendment, whichever is later. These emergency rules will remain in effect one hundred and twenty (120) days or until January 20, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *DC Register*.

The Director also gives notice of the intent to adopt this proposed rulemaking not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Section 6508 (FINAL PER DIEM RATE CALCULATION) of Chapter 65 (MEDICAID REIMBURSEMENT TO NURSING FACILITIES) of Title 29 (PUBLIC WELFARE) of the DCMR is amended by amending Subsection 6508.1 to read as follows:**

- 6508.1 Each nursing facility's per diem rate effective January 1, 2006 shall be the sum of subparagraphs (a), (b), and (c) as set forth below:
- (a) The nursing and resident care base year cost per diem, which shall be calculated as follows:
    - (1) Effective January 1, 2006, through September 30, 2007, the nursing and resident care base year cost per diem established pursuant to Section 6505, adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index).
    - (2) Effective October 1, 2007, through September 30, 2008, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(1), adjusted for inflation using the CMS Index for District Fiscal Years 2006, 2007, and 2008.
    - (3) Effective October 1, 2008, through September 30, 2009, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(2), adjusted for inflation using the CMS Index.
    - (4) Effective October 1, 2009 through December 31, 2010, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(3), adjusted for inflation using the CMS Index.
    - (5) Effective January 1, 2011 through September 30, 2013, the annual inflation adjustment shall be eliminated.
    - (6) Effective October 1, 2013, the nursing and resident care base year cost per diem calculated pursuant to Subsection 6508.1(a)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(a)(5).

- (b) The routine and support base year cost per diem, which shall be calculated as follows:
- (1) Effective January 1, 2006, through September 30, 2007, the routine and support base year per diem established pursuant to Section 6506, adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index).
  - (2) Effective October 1, 2007, through September 30, 2008, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(1), indexed for inflation using the CMS Index.
  - (3) Effective October 1, 2008, through September 30, 2009, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(2), adjusted for inflation using the CMS Index.
  - (4) Effective October 1, 2009 through December 2010, the routine and support base year cost per diem calculated according to Subsection 6508.1(b)(3), adjusted for inflation using the CMS Index.
  - (5) Effective January 2011 through September 30, 2013, the annual inflation adjustment is eliminated.
  - (6) Effective October 1, 2013, the routine and support base year cost per diem calculated pursuant to Subsection 6508.1(b)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(b)(5).
- (c) The capital-related base year cost per diem, which shall be calculated as follows:
- (1) Effective January 1, 2006, through September 30, 2007, the capital-related base year cost per diem established pursuant to Section 6507 adjusted for inflation to March 30, 2003, using the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (CMS Index). The inflation adjustment in this subparagraph shall not be applied to depreciation, amortization, and interest on capital related expenditures.



- (2) Effective October 1, 2007, through September 30, 2008, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(1) adjusted for inflation using the CMS Index for District Fiscal Years 2006, 2007, and 2008. The inflation adjustment in this subparagraph shall not be applied to depreciation, amortization and interest on capital related expenditures.
- (3) Effective October 1, 2008, through September 30, 2009, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(2) adjusted for inflation using the CMS Index. The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital related expenditures.
- (4) Effective October 1, 2009 through December 31, 2010, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(3) adjusted for inflation using the CMS Index. The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital-related expenditures.
- (5) Effective January 2011 through September 30, 2013, the annual inflation adjustment is eliminated.
- (6) Effective October 1, 2013, the capital-related base year cost per diem calculated pursuant to Subsection 6508.1(c)(4), shall be annually adjusted for inflation using the CMS Index. This inflation adjustment shall not apply or be calculated for the period in which the inflation adjustment was eliminated in Subsection 6508.1(c)(5). The inflation adjustment in this subsection shall not be applied to depreciation, amortization and interest on capital-related expenditures.

Comments on the emergency and proposed rule shall be submitted, in writing, to Linda Elam, Ph.D., MPH, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 N. Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone at (202) 442-9115, via e-mail at [DHCFpubliccomments@dc.gov](mailto:DHCFpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl.)), and Mayor’s Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following emergency rulemaking. This emergency and proposed rulemaking will add a new Section 405 (Third Party Grievance Procedure) of Chapter 4 (Community Involvement in Education) of Subtitle E, Title 5 (Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to amend the language regarding the procedures for the filing, investigation, and resolution of complaints or grievances filed by parents, guardians, visitors and others in cases of discrimination, bullying, or harassment. The amendment is necessary because DCPS must ensure that its grievance procedures contain language that satisfies requirements set forth by the U.S. Department of Education, Office of Civil Rights.

Emergency rulemakings are used only for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to 1 DCMR § 311.4(e). This emergency rulemaking is necessitated by the immediate need to ensure that the regulations are in compliance with requirements set forth by U.S. Department of Education, Office of Civil Rights. The emergency rules were adopted on September 12, 2013 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on January 10, 2014, unless earlier superseded by a notice of final rulemaking.

The proposed rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor also hereby gives notice of the intent to adopt this rulemaking, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, or upon approval of the rulemaking by the Council, whichever occurs later.

**Section 405 (Parent, Guardian and Visitor Grievance Procedure) of Chapter 4 (Community Involvement in Education) of Subtitle E (Original Title 5), Title 5 (Education) of the DCMR is added to read as follows:**

**405 GRIEVANCE PROCEDURE FOR PARENTS, GUARDIANS, AND VISITORS**

405.1 The grievance procedure set forth in this section shall apply to all grievances or complaints brought for any suspected violation of the following laws:

- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;

- (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
- (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
- (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.

405.2 The grievance procedure set forth in this section shall apply to all grievances filed by any individual other than a student or employee of the District of Columbia Public Schools. This includes but is not limited to parents, guardians, and school visitors. Grievances and complaints regarding students shall be governed by the procedures contained in Chapter B 24 of this title. Grievances and complaints regarding employees shall be governed by Chapter E 8 of this title.

405.3 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:

- (a) Where it is alleged that the rights of an individual are being denied or abridged;
- (b) Where it is alleged that any individual is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- (c) Where an individual is a victim of bullying or harassment, including sexual harassment; and
- (d) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.

405.4 No individual shall be discriminated against, or otherwise subjected to retaliation, on the basis of an individual's filing of a grievance pursuant to this section or an individual's participation in a grievance process.

405.5 An individual bringing a grievance about an issue set forth in § E 405.1 or § E 405.3 of this section shall follow the procedures contained in this section. A grievance may be filed on behalf of another individual by attorney or an authorized representative.

- (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall, with the permission of the grievant, advise the principal or official in charge of the program or activity of the nature of the complaint.
- (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
- (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem through informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
- (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint. The appropriate Instructional Superintendent shall be informed of the informal grievance and investigation and may be consulted by the principal or other school official in an attempt to resolve the grievance.
- (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the Instructional Superintendent with jurisdiction over the school or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
- (f) All complaints should include the following information, to the extent that is known by the grievant:
  - (1) The name and address of the grievant;
  - (2) The grievant's affiliation with the school (parent, guardian,

- volunteer or other);
- (3) The date, approximate time, and location of the incident;
  - (4) The type of bullying or harassment that was involved in the incident;
  - (5) The identity of the person(s) who committed the alleged acts of harassment;
  - (6) If the alleged harassment was directed towards other person(s), the identities of such persons;
  - (7) Whether any witnesses were present, and their identities; and
  - (8) A specific factual description of the incident, including any verbal statements or physical contact.
- (g) The Instructional Superintendent or other school official shall attempt to resolve the written grievance by beginning a formal investigation, including but not limited to conducting conferences with the grievant(s), students, parents, teachers, other school officials, and other involved parties and, when applicable, consultation with legal counsel, or the Section 504 Coordinator. The investigation shall also include the examination of any information submitted by the grievant and interviews with any witnesses identified by the grievant.
- (h) The Instructional Superintendent shall provide the grievant with the evidence or documentation presented by the school and shall give the grievant the opportunity to rebut such evidence.
- (i) The Instructional Superintendent or other school official who investigates a written grievance shall provide a written response to the grievant and the school principal.
- (j) The written response shall be provided within ten (10) school days of the receipt of the written grievance; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame.
- (k) If the grievant is not satisfied with the response of the Instructional Superintendent, the grievant may file an appeal with another school official designated by the Chancellor. The appeal shall be filed within ten (10) calendar days of receipt or notice of the initial response.

- (l) The designated school official shall attempt to resolve the grievance by reviewing the Instructional Superintendent's investigation and findings, and conducting further investigation of the grievance, including meeting with all involved parties and consulting with legal counsel as appropriate.
- (m) The designated school official shall provide a written response to the grievant and the school principal within ten (10) school days of the receipt of the appeal.
- (n) If the grievant is not satisfied with the response or the designated school official is unable to achieve an adequate resolution, either the grievant or designated school official may, within ten (10) calendar days of the written response, request that the grievance be brought before a grievance review panel to ensure appropriate and fair resolution of the grievance. The panel shall be comprised of three (3) persons appointed by the Chancellor or designee, and may include the Section 504 Coordinator, the Title IX Coordinator, individuals from the DCPS Office of Compliance, Office of the General Counsel, other Instructional Superintendents or school officials, and other disinterested persons with training and knowledge about the issues raised by the grievance.
- (o) In all cases brought before the review panel, the panel shall provide the designated school official with written findings and recommendations for suggested implementation by the Instructional Superintendent and the principal; a copy of the written findings and recommendations shall also be issued to the grievant. The findings and recommendations shall be issued within ten (10) school days of receipt by the panel of the request referenced in §E 405.5(n) of this section.
- (p) Within five (5) days of receipt of the findings and recommendations, the designated school official shall issue a final administrative decision, which shall be the final administrative decision of the school system. The designated school official shall provide written notice of the decision to the grievant, the Instructional Superintendent, and the principal, and if appropriate, the grievant's attorney or authorized representative.
- (q) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (r) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing or following the procedures contained in this section. Nothing in this section supersedes the rights or requirements for filing complaints with the District of

Columbia Commission on Human Rights.

See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

Comments on this rulemaking should be submitted, in writing, to Kaya Henderson, Chancellor, DCPS, at 1200 First Street, N.E., 12<sup>th</sup> Floor, Washington, D.C., 20002, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.

## DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF THIRD EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I) and (J), 14, 20 and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I) and (J) (2012 Repl.); D.C. Official Code § 50-313 (2012 Repl. & 2013 Supp.); D.C. Official Code § 50-319 (2012 Repl.); and D.C. Official Code § 50-320 (2012 Repl. & 2013 Supp.); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.); and Section 12 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2012 Repl.)); hereby gives notice of its intent to create a new Chapter 16 (Dispatch Services) of Title 31 (Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

These rules comply with the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 59 DCR 9431) (“Improvement Act”), and the Public Vehicle for Hire Innovation Amendment Act of 2013, effective April 23, 2013 (D.C. Law 19-270; 60 DCR 1717) (“Innovation Act”). The Improvement Act and Innovation Act are expected to be applicable on October 1, 2013 (pursuant to Sections 7007, 7017, and 10001 of the Fiscal Year 2014 Budget Support Act of 2013, passed on second reading on June 26, 2103 (D.C. Act 20-157; 60 DCR 12472); and Sections 7007, 7017, and 11001 of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on emergency basis on June 26, 2013 (D.C. Act 20-130; 60 DCR 11384)).

Proposed rules creating a new Chapter 16 were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3774. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. A Second Notice of Proposed Rulemaking was published in the *D.C. Register* on May 10, 2013, at 60 DCR 6723.

A Notice of Emergency and Proposed Rulemaking was adopted by the Commission on May 24, 2013, and was published on June 7, 2013 in the *D.C. Register* at 60 DCR 8714. Those emergency rules took effect on May 31, 2013. A Second Notice of Emergency and Proposed Rulemaking was adopted by the Commission on July 17, 2013, and was published on July 26, 2013 in the *D.C. Register* at 60 DCR 11007. This Third Emergency and Proposed Rulemaking supersedes the rules contained in the Second Emergency and Proposed Rulemaking published at 60 DCR 11007.

The registration, administrative, operating and other rules contained in this Third Emergency and Proposed Rulemaking are necessary to prevent legal and practical incongruities that would otherwise halt or impair the implementation of operating and other requirements for the final rules pertaining to taxicabs, in Chapters 4, 6, and 8; and to sedans, in Chapters 12 and 14. Final rules pertaining to modern taximeter systems and to the role of digital dispatch services in the



operation of taxicabs appear in rulemaking for Chapters 4, 6, and 8 of Title 31, and were adopted by the Commission on May 17, 2013, and published in the *D.C. Register* on May 17, 2013 at 60 DCR 6993 - 7021, following two comment periods, public hearings held on February 15 and April 17, 2013, and the review and consideration of numerous public comments. Final rules pertaining to digital payment systems and to the role of digital dispatch services in the operation of sedans appear in final rulemakings for Chapters 12 and 14, and were adopted by the Commission on August 16, 2013, published in the *D.C. Register* on August 30, 2013, at 60 DCR 12394 - 12419, following three comment periods, a public hearing on March 29, 2013, and the review and consideration of numerous public comments.

The implementation of this rulemaking on an emergency basis is therefore necessary for the immediate preservation and promotion of the public peace, safety, and welfare of the residents of and visitors to the District of Columbia, by updating and clarifying the complete regulatory framework for taxicab and sedan services, because in the absence of such immediate update and clarification, it would be impossible or impracticable for the Office of Taxicabs (“Office”) to ensure compliance with the taxicab and sedan rules that apply to digital dispatch services. With the exception of obligations related to the passenger surcharge, the rules proposed herein are not intended nor expected to significantly burden well-established industry leaders whose business practices are unlikely to require change as a result of the imposition of these minimal administrative and operating requirements designed over successive proposed rulemakings to reflect and incorporate the standard business model for digital dispatch services. Rather, these proposed rules are intended and expected to deter and prevent consumer fraud and abuse and threats to the safety of passengers and drivers, from rogue services which, in the absence of the requirements imposed herein on an emergency basis, would otherwise be able to make their apps available to smartphone users, enter the District, steal credit card information, dispatch uninsured and unlicensed drivers and vehicles, fail to collect or remit the passenger surcharge, and depart from the District before the Office was even alerted to their presence. This outcome is unacceptable to the Commission and it is well within the Commission’s authority to issue emergency rules to prevent.

The rules and regulations proposed in this notice would regulate digital dispatch services only in the manner and to the extent authorized by law, including: (1) by the Fund Amendment Act; (2) by the Improvement Act, insofar as it allows the Commission to “[establish procedures] for the implementation [of a passenger surcharge]” and “[for the] administration of a passenger surcharge amount” and “[e]stablish any rule relating to the regulation and supervision of the public vehicle-for-hire industry not specifically delineated in this act, so long as the rule is consistent with this act and related to the furtherance and protection of the public interest in public vehicle-for-hire transportation”; and (3) by the Innovation Act, insofar as it allows the Commission to promulgate “rules and regulations [respecting digital dispatch services] that are necessary for the safety of customers and drivers or consumer protection,” which “protect personal privacy rights of customers and drivers,” which “[will] not result in the disclosure of confidential business information,” and which “[will] allow providers to limit the geographic location of trip data to individual census tracts” and to “[c]harge and collect reasonable fees for services it is authorized to provide under this act and D.C. Official Code § 47-2829(e)(2)”.

The Commission has made substantial changes in § 1604 of the proposed rules in response to legal arguments contained in a public comment received during the most recent comment period. This comment stated that, pursuant to the Establishment Act, as amended by the Improvement and Innovation Acts, the Commission does not have authority to require digital dispatch services to be “licensed” by the Office of Taxicabs (“Office”). Although the Innovation Act does amend the Improvement Act to remove the latter’s inclusion of digital dispatch services from the enumeration in D.C. Official Code § 50-319 of persons participating in the public vehicle-for-hire industry for which the Commission may require an “applicable license,” the Innovation Act does not bar the Commission from establishing a registration requirement, which is indispensable for, *inter alia*, ensuring compliance with the proposed rules by rogue services, and for providing a legal and indispensable operational basis for the collection of the passenger surcharge. Such a registration requirement, with an accompanying modification in the standards for issuance of registration, and related conforming changes, is reflected in § 1604, replacing the prior proposed requirement that digital dispatch services obtain operating authority.

The Commission has concluded that it retains authority under the Establishment Act, as amended by the Improvement and Innovation Acts, to authorize the Office to require registration of each digital dispatch service, and to impose on these services the other minimal requirements that would be created by this chapter. In addition to other rational and legitimate purposes authorized by law, the rules in this notice are necessary and justified, because in the absence of registration and the other provisions imposed by the proposed rules, the Office would have no enforceable, predictable, reliable, or consistent means of knowing that a digital dispatch service is: (1) offering its services in the District, (2) dispatching taxicabs, sedans, or both, (3) processing digital payments, (4) maintaining a website, (5) maintaining in the District a place of business or an authorized agent to receive service of process, (6) operating through integration with an approved payment service provider, as required by Chapter 4, (7) using only drivers with valid, current, non-suspended operator’s licenses issued by the Office, (8) dispatching only vehicles with proper tags, inspections, and insurance, (9) complying with the other provisions of this title applicable to its business. Further, in the absence of a registration requirement, it would be impracticable or impossible for the Office to enforce the requirements pertaining to the digital dispatch service’s collection and payment to the District of the passenger surcharge, as required by Chapter 4 (for taxicabs) or Chapter 14 (for sedans).

The Commission has made substantial changes in § 1604.4 in response to the public comment, *inter alia*, replacing the pre-approval process pertaining to a substantial change in a registered digital dispatch service’s digital dispatch or payment solution for taxicabs or a digital payment system for sedans with a notice requirement under a shortened period.

The Commission finds that the public comment’s remaining legal arguments lack merit, *viz.*, that the Innovation Act deprives the Commission of authority to require a digital dispatch service to provide the Office with: (1) a “detailed technical description” of its dispatch or payment solution for taxicab dispatch or digital payment system for sedans, (2) its agreements and policies with passengers, and associated owners and operators, and (3) a current and accurate inventory of associated operators and vehicles. These requirements are minimally burdensome administrative obligations directly related to ensuring the digital dispatch service is not operating in a manner that threatens passenger or driver safety, or consumer protection, and are rationally

required to be reported by each digital dispatch service because, *inter alia*, each service has an existing business need to maintain this information for its operations in a timely, complete, and accurate manner, as well as a substantial commercial stake in ensuring against fraud in reporting. All of these requirements are consistent with the Commission's authority under the Improvement Act to "[e]stablish any rule relating to the regulation and supervision of the public vehicle-for-hire industry not specifically delineated in this act, so long as the rule is consistent with this act and related to the furtherance and protection of the public interest in public vehicle-for-hire transportation"; as a result, whether or not there are other possible means of obtaining the information does not present a legal obstacle to the promulgation of the rules which reflect the Commission's analysis and conclusion that these reporting requirements should be placed on digital dispatch services and not on other persons participating in the public vehicle-for-hire industry. Finally, and more specifically, the inventory requirements are indispensable for ensuring that the Office is able to set up and maintain required data connections to the Office's TCIS information system for verifying the amount and timely payment of passenger surcharges to the District, consistent with the Commission's authority under the Improvement Act to "[establish procedures] for the implementation [of a passenger surcharge]". The Commission notes that the public comment's "public policy" statements all fall within the foregoing discussion or otherwise lack merit.

This notice of emergency and proposed rulemaking was adopted by the Commission on September 11, 2013. The emergency rules shall take effect upon publication in the *D.C. Register* and remain in effect for one hundred twenty (120) days after the date of adoption, expiring January 8, 2014, unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

The Commission also hereby gives notice of the 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 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is added to read as follows:**

**CHAPTER 16 DISPATCH SERVICES**

**1600 APPLICATION AND SCOPE**

1600.1 This chapter establishes substantive rules governing dispatch services for public vehicles-for-hire limited to rules intended to ensure the safety of passengers and operators, to protect consumers, and to collect a passenger surcharge, provided, however, that nothing in this chapter shall be construed to limit the Commission's authority to regulate a telephone dispatch service under any chapter of this title.

1600.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended by the Improvement Act, and by the Innovation Act.

1600.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

**1601 GENERAL REQUIREMENTS**

1601.1 No person shall provide telephone or digital dispatch, or digital payment, for public vehicles-for-hire in the District, except in compliance with this chapter, all applicable provisions of this title then in effect, and other applicable laws.

1601.2 Nothing in this chapter shall be construed to solicit or create a contractual relationship between the District of Columbia and any person.

1601.3 Implementation of regulations applicable to dispatch services and associated owners and operators. Each dispatch service shall:

- (a) Operate in compliance with § 1603 when dispatching a taxicab, and, beginning on November 1, 2013, when dispatching a sedan; and
- (b) Maintain compliance with the provisions of § 1604 for all services it provides in the District;

1601.4 No person regulated by this title shall associate with, integrate with, or conduct a transaction in cooperation with, a dispatch service that is not in compliance with § 1604.

**1602 RELATED SERVICES**

1602.1 A person may operate a dispatch service and one or more affiliated businesses, provided each affiliated business is operated in compliance with all applicable provisions of this title and other applicable laws.

1602.2 All provisions of this title applicable to digital dispatch services (DDS) shall apply equally to each DDS regardless of whether such DDS receives payment from the passenger or the operator in connection with dispatch services.

**1603 OPERATING REQUIREMENTS FOR ALL DISPATCH SERVICES**

1603.1 Each dispatch service shall be licensed to do business in the District of Columbia.

1603.2 Each dispatch service that provides digital services for sedans shall operate in compliance with this chapter and Chapters 12 and 14 of this title.

1603.3 Each dispatch service that participates in providing taxicab service shall operate in compliance with this chapter and Chapters 6 and 8 of this title.

- 1603.4 Each dispatch provided by a dispatch service shall comply with the definitions of “dispatch”.
- 1603.5 Each gratuity charged by a dispatch service shall comply with the definition of “gratuity”.
- 1603.6 Each digital dispatch service that processes digital payments shall:
- (a) Comply with the requirements for passenger rates and charges set forth in § 801 for taxicab service and § 1402 for sedan service;
  - (b) If the payments are processed for taxicab service, comply with the integration, payment, and passenger surcharge requirements of § 408;
  - (c) Provide receipts as required by § 803 for taxicab service and § 1404 for sedan service;
  - (d) Use technology that meets Open Web Application Security Project (“OWASP”) security guidelines, complies with current standards of the PCI Security Standards Council (“Council”) for payment card data security, if such standards exist, and, if not, then with current guidelines of the Council for payment card data security, and, for direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association; and
  - (e) Promptly inform the Office of a security breach requiring a report under the Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237, D.C. Official Code §§ 28-3851, *et seq.*), or other applicable law.
- 1603.7 Each dispatch shall clearly provide the person seeking service with the option to request an available wheelchair-accessible vehicle.
- 1603.8 Each dispatch service shall maintain a bona fide administrative office or a registered agent authorized to accept service of process, provided, however, a dispatch service operated by a taxicab company required to maintain such an office pursuant to Chapter 5 of this title shall operate its dispatch service at that location or another bona fide administrative office.
- 1603.9 Each dispatch service shall maintain a customer service telephone number for passengers with a “202” prefix or a toll-free area code, or an email address posted on its website that is answered or replied to during normal business hours.
- 1603.10 Each dispatch service shall maintain a website with current information that includes:

- (a) The name of the dispatch service;
- (b) Contact information for its bona fide administrative office or registered agent authorized to accept service of process;
- (c) Its customer service telephone number or email address, and;
- (d) The following statement prominently displayed:

Public vehicle-for-hire services in Washington, DC  
 are regulated by the DC Taxicab Commission  
 2041 Martin Luther King Jr., Ave., SE, Suite 204  
 Washington, DC. 20020  
 www.dctaxi.dc.gov  
 dctc3@dc.gov 1-855-484-4966 TTY: 711

- (e) A statement of how the fare is calculated for each class of service it offers, which shall include a statement of the rates and charges allowed by § 1402, and, for sedan service, shall indicate whether the dispatch service uses demand pricing and, if so, how such pricing affects its rates.

1603.11 Each dispatch service shall comply with §§ 508 through 513, to the same extent as if it were a taxicab company.

1603.12 Each dispatch service shall provide its service throughout the entire District.

1603.13 Each dispatch service shall perform the service agreed to with a passenger in a dispatch, including picking up the passenger at the agreed time and location, except for a bona fide reason not prohibited by § 819.5 or other applicable provision of this title.

- 1603.14 (a) A dispatch service shall not:
- (1) Release information to any person that would result in a violation of the personal privacy of the passenger or the person requesting service, or that would threaten the safety of a passenger or an operator; or
  - (2) Permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized by the dispatch service to receive such information.
- (b) This subsection shall not limit access to information by the Office or a District enforcement official.

- 1603.15 A dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until the trip has been booked.
- 1603.16 Each dispatch service shall store its business records in compliance with industry best practices and all applicable laws, make its business records related to compliance with its legal obligations under this title available for inspection and copying as directed by the Office, and retain its business records for five (5) years.
- 1603.17 Each dispatch service shall comply with all applicable provisions of this title and other laws regulating origins and destinations of trips, including all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.
- 1603.18 Each DDS that provides digital services for sedans shall:
  - (a) Maintain with the Office an accurate and current inventory of the vehicles and operators associated with the DDS to use its system in the manner required by § 1403; and
  - (b) Collect from the passenger and pay to the District the sedan passenger surcharge in the manner required by § 1403.

**1604 REGISTRATION**

- 1604.1 No dispatch service shall participate in providing a public vehicle-for-hire service in the District unless it is registered with the Office pursuant to this section, except for a taxicab company with existing operating authority under Chapter 5 of this title, which, as of the effective date of this rulemaking, is operating a telephone dispatch service.
- 1604.2 An applicant seeking to register with the Office shall provide the following information:
  - (a) Its name and contact information;
  - (b) The name of and contact information for each public vehicle-for-hire business or service associated with, or operated by an owner of, the dispatch service, including any payment service provider (PSP), and any business or service operated or offered outside the District,
  - (c) A technical description of the dispatch or payment solution, digital payment system, or both, offered by the DDS, including the trade names and software applications, platforms, and operating systems used;

- (d) A blank sample of each agreement or policy, including any user agreement or privacy policy, applicable to the DDS's association with vehicle owners and operators, and with passengers, or a URL web address where such information may be found;
- (e) An indication by the applicant of whether the dispatch service intends to offer dispatch of sedans, and whether it intends to offer dispatch services or digital payments for taxicabs, or both;
- (f) If it will be dispatching sedans, its initial operator and vehicle inventory pursuant to § 1403;
- (g) A certification by the applicant that the DDS owns the right to, or holds licenses to, all the intellectual property used by the dispatch service for all technology used for the dispatch or payment solution or the digital payment system it provides;
- (h) Proof that it is licensed to do business in the District of Columbia; and
- (i) Such other information and documentation as the Office may determine is reasonably necessary in order to verify that the DDS will comply with all applicable provisions of this title and other applicable laws.

1604.3 Each application under § 1604.2 shall be:

- (a) Provided under penalty of perjury;
- (b) Accompanied by the surcharge bond required by § 403.3 (if the dispatch service is a DDS is required to collect a passenger surcharge for taxicab service), or by § 1403, if the dispatch service is a DDS that will be dispatching sedans, provided, however, that a DDS shall not be required to deposit a more than one (1) surcharge bond if the DDS collects and pays passenger surcharges for both taxicabs and for sedans; and
- (c) Accompanied by a fee of five hundred dollars (\$500), except that the fee for an application to amend an existing registration under § 1604.5, regardless of the number of services proposed to be added to the existing registration, shall be three hundred dollars (\$300).

1604.4 Each registration shall continue in force and effect for twenty four (24) months, during which time no substantial change may be made to a DDS's dispatch or payment solution for taxicabs, or to a DDS's digital payment system for sedans, unless the DDS informs the Office of the proposed substantial change at least fifteen (15) days prior to its implementation, during which time the DDS shall cooperate with the Office as necessary so the Office is fully informed of the nature of the proposed change and is able to verify whether the proposed change



is in compliance with relevant laws and regulations. In addition, each registered DDS shall notify the Office of any other change in the information contained in its registration or its supporting documentation, such as contact information, within seven (7) days after the change.

- 1604.5 Each DDS registered under this section may at any time file an application to amend its registration to include additional services it wishes to market to public vehicle-for-hire owners and operators for which registration is required under this chapter.
- 1604.6 Each DDS registered under this section shall file to renew its registration at least sixty (60) days prior to the expiration thereof, by providing such information for renewal as determined by the Office. Registration shall continue in force and effect beyond its expiration period during such time as an application to renew is pending acceptance in proper form.
- 1604.7 A DDS registered under this section shall annually provide to the Office, beginning on the first (1<sup>st</sup>) day of the thirteenth (13<sup>th</sup>) month after its certificate of registration was issued:
- (a) Proof that it is licensed to do business in the District;
  - (b) Proof that it maintains a bona fide administrative office or registered agent authorized to accept service of process, as required by § 1603.1;
  - (c) Proof that it maintains a website, as required by § 1603.10;
  - (d) A report on the wait times and fares charged to passengers seeking wheelchair-accessible service in the prior twelve (12) months; and
  - (e) A list of incidents in the prior twelve (12) months that involved an allegation or dispute concerning the following matters, which shall include an indication of whether the allegation or dispute has been resolved:
    - (1) A payment, where the dispute involved fifty dollars (\$50) or more;
    - (2) Fraud or criminal activity; or
    - (3) Violations of the anti-discrimination rules of Chapter 5 of this title.
- 1604.8 The Office may arrange one (1) demonstration for each of the DDS's dispatch or payment solutions for taxicabs, or its digital payment system for sedans, where the Office's technical staff may examine and test the equipment to ensure compliance with all applicable provisions of this title and other applicable laws. The Office's staff may ask questions of the DDS's technical staff, who shall attend the demonstration.

- 1604.9 The Office shall determine whether to grant or deny registration within ten (10) days after an application is filed, provided however, that such period may be extended by the Office for no more than seven (7) days with notice to the DDS. The Office shall deny registration only if it determines that the DDS is not or will not be in compliance with the provisions of this title or other applicable laws.
- 1604.10 If the Office grants an application, it shall provide notice to the DDS in writing.
- 1604.11 If the Office denies an application, it shall state the reasons for its decision in writing, including the specific facts upon which the Office has determined that the DDS is not or will not be in compliance with the provisions of this title or other applicable laws. A decision to deny may be appealed to the Chief of the Office within fifteen (15) business days. If the decision to deny is not appealed within the fifteen (15) business day period, it shall constitute a final decision of the Office. If the decision to deny is appealed within the fifteen (15) business day period, the Chief shall issue a decision within thirty (30) days. A timely appeal of a denial shall extend an existing certificate or registration pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of the filing shall extend an existing certificate pending the final decision of the Office.
- 1604.12 The name of each registered DDS, and the name of its dispatch or payment solution for taxicabs, and/or digital payment system for sedans, shall be listed on the Commission's website.
- 1604.13 A DDS's registration may be suspended or revoked, or not renewed, by the Office with reasonable notice and an opportunity to be heard if the Office learns that the DDS is not in substantial compliance with this title, or other applicable law, or that a DDS's digital payment system, or dispatch or payment solution, is being used in a manner that poses a significant threat to passenger or operator safety, or to consumer protection, or is failing to collect the passenger surcharge.

## **1605 PROHIBITIONS**

- 1605.1 No person shall dispatch a public vehicle-for hire or process a digital payment for a public vehicle-for-hire in the District except as provided in this chapter.
- 1605.2 No person shall operate a dispatch service that is not registered with the Office under § 1604 for all the services it provides in the District.
- 1605.3 No dispatch service shall dispatch or process digital payments except as provided in this chapter and in Chapters 4, 6, and 8 (for taxicabs), and in this chapter and in Chapters 12 and 14 (for sedans).

1605.4 No dispatch service may alter or attempt to alter its legal obligations under this title or to impose an obligation on any person or limit the rights of any person in a manner that is contrary to public policy or that threatens passenger or operator safety or consumer protection.

1605.5 A DDS shall not provide digital dispatches to a taxicab operator who provides service with a vehicle that displays on its exterior the name, color scheme, or other unique branding of a taxicab fleet or association, if such fleet or association does not agree to the operator’s association with the DDS, and:

- (a) For thirty (30) days following the effective date of this rulemaking, such fleet or association is operating a dispatch service limited to its associated vehicles; or
- (b) After thirty (30) days following the effective date of this rulemaking, such fleet or association has filed for or received registration for a DDS limited to its associated vehicles.

1605.6 No DDS shall provide digital payment for taxicabs which allows the operator to manually enter fare information into any device except as permitted by § 801, or by the integration rules of Chapter 4.

1605.7 No fee charged by a DDS in addition to a taximeter fare shall be processed by a payment service provider, or displayed on or paid using any component of an MTS unit, provided, however, that such a fee may be processed by a payment service provider or displayed on or paid using a component of an MTS unit pursuant to an integration agreement between the DDS and the PSP that has been approved by the Office pursuant to Chapter 4, this chapter, and all other applicable provisions of this title, and incorporates reasonable measures to avoid passenger confusion between regulated and non-regulated rates and charges.

1605.8 This section shall not apply to sedan services until November 1, 2013.

**1606 ENFORCEMENT**

1606.1 The enforcement of any provision of this chapter shall be governed by the procedures set forth in Chapter 7 of this title. If, at the time of violation, the procedures in Chapter 7 do not extend in their terms to DDSs, violations of this chapter shall be enforced as if such DDS were a taxicab owner or operator.

**1607 PENALTIES**

1607.1 A dispatch service that violates this chapter shall be subject to:

- (a) A civil fine of five hundred dollars (\$500) for the first violation of a provision, one-thousand dollars (\$1,000) for the second violation of the

same provision, and one-thousand five-hundred dollars (\$1,500) for each subsequent violation of the same provision;

- (b) Suspension, revocation, or non-renewal of its registration;
- (c) Any penalty available under Chapter 4 in connection with the dispatch of taxicabs or under Chapter 14 in connection with the dispatch of sedans;
- (d) Any combination of the sanctions listed in this subsection; or
- (e) Any penalty authorized by a provision of this title other than in this chapter or by other applicable law.

## 1699 DEFINITIONS

1699.1 The terms “cashless payment,” “modern taximeter system,” “MTS,” “MTS unit”, “payment service provider”, “PSP”, and “taximeter fare” shall have the meanings ascribed in Chapter 4 of this title.

1699.2 The term “sedan” shall have the meaning ascribed to it in Chapter 12 of this title.

1699.3 The terms “digital payment system,” and “DPS” shall have the meanings ascribed to them in Chapter 14 of this title.

1699.4 The term “person” and “license” shall have the meanings ascribed to them in Section 3 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502).

1699.5 The following words and phrases shall have the meanings ascribed:

**“Affiliated”** - common ownership.

**“Associated”** - a voluntary relationship of employment, contract, joint venture, or agency. For purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

**“Booked”** - agreed and accepted by the customer.

**“Customer”** - a person that requests public vehicle-for-hire service, including a passenger, or any other person that requests service on behalf of a passenger.

**“Dispatch”** - booking public vehicle-for-hire service through an advance reservation consisting of a request for service from a person seeking service, an offer of service by the dispatch service, an acceptance of service by the person seeking service, and an acknowledgement by the

dispatch service that includes an estimated time of arrival of a booked vehicle.

**“Dispatch or payment solution”** - any reasonable technology solution that allows a DDS to provide taxicabs with digital dispatch service, digital payment service, or both.

**“Digital dispatch”** - dispatch via computer, mobile phone application, text, email, or Web-based reservation.

**“Digital dispatch service” or “DDS”** - a business that provides digital dispatch of taxicabs, sedans, or both.

**“Digital payment”** - a non-cash payment processed by a digital dispatch service and not by the vehicle operator, such as a payment by a payment card (a credit or debit card), processed through a mobile- or Web-based application. A digital payment does not mean a “cashless payment” as such term is defined in Chapter 6 of this title.

**“Digital services”** - digital dispatch or digital payment for a public vehicle-for-hire.

**“Dispatch service”** - a business that offers telephone or digital dispatch.

**“District enforcement official”** - a public vehicle enforcement inspector or other authorized official, employee, or general counsel of the Office, or a law enforcement official authorized to enforce a provision of this title.

**“Passenger surcharge”** - the passenger surcharge required to be collected from passengers and remitted to the District for each trip in a taxicab or sedan, as required by Chapters 4, 6, and 8, for taxicabs, and by this chapter and Chapter 14 for sedans.

**“Substantial change”** - (1) a replacement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans, or (2) a material change in the DDS’s manner of compliance with § 1603.6 (a)-(d) (other than a change in non-regulated rates and charges established by the DDS) or with § 1603.7. A substantial change does not include an update to an application or to an operating system, a service update, or other routine modification or incremental improvement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans.

**“Surcharge bond”** - a security bond of fifty-thousand dollars (\$50,000) payable to the D.C. Treasurer that is effective throughout the period when the dispatch service has operating authority and for one (1) year thereafter.

**“Telephone dispatch”** - dispatch via telephone.

**“Telephone dispatch service”** - a business that provides telephone dispatch for taxicabs.

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Section 8(c)(2) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-310(a) (2012 Repl. & 2013 Supp.)); and Section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2012 Repl.)); hereby gives notice of its intent to amend Chapters 1 (District of Columbia Taxicab Commission: Rules of Organization), 4 (Taxicab Payment Services), 8 (Operation of Taxicabs), 11 (Public Vehicles for Hire Consumer Service Fund) and 12 (Luxury Services – Owners, Operators and Vehicles) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments: (1) clarify that the Chairman shall designate in an administrative order the employee who shall serve as Secretary to the Commission, (2) update existing fees authorized by the Commission, (3) propose new fees that may be charged by the Office, (4) clarify the exact amount of the integration service fee, and (5) correct inconsistencies in this title as it relates to the amount of the passenger surcharge.

These rules are necessary to fund operations without which the Office cannot offer testing or licensure to new drivers in the District. Further, as a result of Section 2(j)(1) of the Public Vehicle for Hire Innovation Amendment Act of 2012, effective April 23, 2013 (D.C. Law 19-270; 60 DCR 1717) (“Innovation Act”) the Office must be “actively accepting and processing applications for the licensure of public vehicle-for-hire operators and vehicles” in order to enforce violations of intra-District transport. Without setting these fees, the Office cannot prohibit intra-District transport by non-District drivers, which unfairly impacts District public vehicle for hire owners and drivers. These rules serve an immediate need to preserve and promote the safety and welfare of the District taxicab industry and the District residents and visitors they serve.

These rules will also comply fully with Sections 8(c)(19) and 20a(g) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 59 DCR 9431) (“Improvement Act”), and Section 2(b)(3) of the Innovation Act, both of which are expected to be applicable on October 1, 2013 (pursuant to Sections 7007, 7017, and 10001 of the Fiscal Year 2014 Budget Support Act of 2013, passed on second reading on June 26, 2013 (D.C. Act 20-157; 60 DCR 12472); and Sections 7007, 7017, and 11001 of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on emergency basis on June 26, 2013 (D.C. Act 20-130; 60 DCR 11384).

This Notice of Emergency and Proposed Rulemaking was adopted by the Commission on September 11, 2013 and became effective on Friday, September 13, 2013. The emergency rules shall remain in effect for one hundred twenty (120) days after the date of adoption, expiring January 8, 2014, unless earlier superseded by an amendment or repeal by the Commission, or the publication of a final rulemaking, whichever occurs first.

**Chapter 1, DISTRICT OF COLUMBIA TAXICAB COMMISSION: RULES OF ORGANIZATION, is amended as follows:**

**Subsection 101.2 is amended to read:**

101.2 The Secretary to the Commission shall be an employee of the Office of Taxicabs, designated by his or her position title in an administrative order issued by the Chairman. Contact information for the Secretary shall be posted on the Commission’s website.

**Chapter 4, TAXICAB PAYMENT SERVICES, is amended as follows:**

**Section 499, DEFINITIONS, is amended as follows:**

**Subsection 499.2 is amended as follows:**

**The definition of “Integration service fee” is amended to read as follows:**

“Integration service fee” - a thirty five cent (\$0.35) fee paid by the vehicle owner to the PSP for the use of the MTS whenever a digital payment is made.

**Chapter 8, OPERATION OF TAXICABS, is amended as follows:**

**Subsection 827.1, Annual Operator ID License, is amended to add:**

New Face Card with security features (D.C. OneCard): \$12.50 per card

**Subsection 827.1, Pre-License Testing, is amended to read:**

Pre-License Testing  
First Testing: \$100  
Second and additional testing: \$30

**Chapter 11, PUBLIC VEHICLES FOR HIRE CONSUMER SERVICE FUND, is amended as follows:**

**Subsection 1103, PASSENGER SURCHARGE, is amended as follows:**

1103.1 Each trip provided in a public vehicle for hire licensed by the Office shall be assessed a twenty-five cent (\$0.25) per trip passenger surcharge.



**A new Subsection 1104 is added to read:**

**1104 FEES**

1104.1 The following fees, in addition to any other fees prescribed by this title, and in accordance with applicable law, shall be paid to the Commission and deposited into the Public Vehicle for Hire Consumer Service Fund:

|   |   |
|---|---|
| Proposed MTS Application Fee (§ 403.3):   | \$1000  |
| Per Vehicle Registration Fee --<br>Initial and Renewal Applications<br>(§§ 501 or 1202)   | \$50  |
| Late Renewal Application Fee –<br>Taxicab Company, Association or Fleet<br>(§ 501.9)      | \$250   |
| Late Renewal Application Fee –<br>Public Vehicle for Hire<br>Owner/Operator<br>(§ 1014.3) | \$25 (1 – 15 days late)<br>\$50 (16 – 50 days late)<br>\$100 (31 – 45 days late)<br>\$150 (45 – 90 days late) |
| Late Renewal Application Fee –<br>PSP or DDS<br>(§§ 406 or 1604.6)                        | \$500   |
| Transfer of Ownership –<br>Taxicab Company, Association, or Fleet<br>(§ 507.2)            | \$500   |
| Digital Dispatch Service Amend Fee<br>(§§ 1604.3(c) and 1604.5)                           | \$300   |
| Digital Dispatch Service Application Fee –<br>(§1604.3(c))                                | \$500   |
| Pair of vehicle registration stickers   | \$1.00  |
| Taximeter cable seals<br>(§ 1323)   | \$0.50  |

**Chapter 12, LUXURY CLASS SERVICES, is amended as follows:**

**Subsection 1202.1 is amended to read as follows:**

- 1202.1 No LCS organization, or owner of an independently operated LCS vehicle, shall operate in the District without first paying the applicable fee and obtaining a certificate of authority to operate. Applicable fees are as follows:
- (a) LCS organizations: four hundred seventy five dollars (\$475), and;
  - (b) Owners of independently operated vehicles: two hundred fifty dollars (\$250).

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-170  
September 18, 2013

**SUBJECT:** Designation of Special Event Areas for Jammin DC


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Saturday, September 28, 2013, the following public space areas shall be designated as Special Event Areas to accommodate activities associated with Jammin DC:
  - a. Commencing at 5:00 a.m. and continuing until 11:59 p.m., the following streets shall be closed to all vehicular traffic: Pennsylvania Avenue N.W. between 12<sup>th</sup> and 14<sup>th</sup> Streets N.W., and 13<sup>th</sup> Street N.W. between E Street N.W. and Pennsylvania Avenue N.W.; and
  - b. Commencing at 5:00 a.m. and continuing until 11:59 p.m., the south curbside lane of E Street N.W. between 13<sup>th</sup> and 14<sup>th</sup> Streets N.W shall be closed to vehicular traffic.
2. The designated areas shall be operated and overseen by the Mayor's Advisory Commission on Caribbean Community Affairs.
3. This Order is authorization for the use of the designated streets and curb lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Areas designated by this Order.

4. **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**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-171  
September 19, 2013

**SUBJECT:** Re-Establishment of the 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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Supp.), and in accordance with the provisions of the National and Community Service Trust Act of 1993, Pub. L. 103-82, it is hereby **ORDERED** that:

**I. ESTABLISHMENT**

There is hereby established in the Executive Office of the Mayor, the District of Columbia Commission for National and Community Service (hereinafter referred to as the "Commission").

**II. PURPOSE**

The purpose of the Commission is to encourage community service and volunteer participation as a means of community and state problem-solving; to promote and support voluntary citizen involvement in government and private programs throughout the District of Columbia; to develop a comprehensive vision and strategic plan for community service initiatives in the District of Columbia; and to serve as the District's liaison between national and other state organizations in concert with the District of Columbia strategic plan.

**III. FUNCTIONS**

The Commission shall:

- A. Ensure that its funding decisions meet all federal and District of Columbia statutory requirements;

- B. Recommend innovative, creative, citywide service programs to increase volunteer participation in all age groups and community-based problem solving among diverse participants;
- C. Develop and implement a centralized, organized clearinghouse to offer information and technical support concerning volunteerism and community service recruitment projects, training methods, materials, and activities throughout the District of Columbia; and
- D. Promote strong interagency collaboration as an avenue for maximizing volunteer participation throughout the District of Columbia.

#### IV. COMPOSITION

- A. The Commission shall consist of twenty-five (25) voting members appointed by the Mayor on a nonpartisan basis. Not more than 50 percent of the Commission plus one member may be from the same political party. To the extent possible, it shall be balanced according to race, ethnicity, age, disability, and gender characteristics.
- B. A member may represent none, one, or more than one of the following categories, but each of the following categories shall be represented by a voting member on the Commission:
  - 1. An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
  - 2. An individual with expertise in promoting the involvement of older adults (age 55 and older) in service and volunteerism;
  - 3. A representative of a community-based agency or community based organization within the District;
  - 4. The State Superintendent of Education or his or her designee;
  - 5. Representatives of local labor organizations in the District of Columbia;
  - 6. Representatives of business entities;
  - 7. An individual between the ages of 16 and 25 who is a participant or a supervisor of a service program for school-age youth, or of a campus-based or national service program;
  - 8. A representative of a national service program; and

9. A representative of the volunteer sector.
- C. The Commission's voting members may include, but are not limited to:
1. Members selected from among local educators;
  2. Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons;
  3. Representatives of culturally and ethnically diverse communities in the District of Columbia;
  4. Members selected from among out-of-school youth or other at-risk youth;
  5. A representative from an institution of higher education in the District of Columbia; and
  6. Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*).
- D. Not more than 25 percent of the Commission's voting members may be employees of the District government, though additional District agency representatives may sit on the Commission as non-voting, *ex officio* members.
- E. The Mayor shall appoint, as a non-voting member of the Board, a representative designated by the federal Corporation for National Service. Additionally, the Mayor may, at his or her discretion, appoint non-voting members who shall serve at the pleasure of the Mayor.
- F. The Chairperson shall be elected from among the voting members of the Commission by the voting members of the Commission.

## V. TERMS

- A. Members of the Commission shall serve for 3-year terms.
- B. A member appointed to fill an unexpired term shall serve for the remainder of that term. Members may not serve more than two consecutive terms.
- C. Vacancies among the members shall be filled by the Mayor to serve for the remainder of the unexpired terms.

- D. *Ex officio* and non-voting members shall serve at the pleasure of the Mayor.

## VI. COMPENSATION

Members shall serve without compensation. However, expenses of the Commission may be reimbursed, when approved in advance by the Commission Chairperson or his or her designee, and shall become obligations against funds designated for that purpose.

## VII. ORGANIZATION

The Commission shall determine its own rules of procedure and the duties and responsibilities of all officers, which should be included in its bylaws. The Commission is authorized to provide for the establishment of such committees, subcommittees and task forces as it deems necessary; provided, that the chairperson of each committee, subcommittee or task force shall be a member of the Commission.

## VIII. COMMITTEES AND SUBCOMMITTEES

The committees and subcommittees shall advise and assist the Commission in carrying out its duties and responsibilities. The Commission shall appoint committee chairs, and the committees' members need not be limited to the Commission members. The Commission Chairperson, in consultation with the committee chairs, shall name the committees' members. Committees on the Commission shall include, but not be limited to:

- A. **Volunteer Recognition:** The committee on Volunteer Recognition shall assist with the implementation of the Mayor's awards relating to exemplary volunteer service in the District of Columbia; work with the individual communities to develop local recognition programs; and explore additional opportunities to recognize individuals and organizations addressing community needs through volunteer service.
- B. **Programing and Evaluation:** The committee on Programing and Evaluation shall participate in the grant review process and attend site visits to evaluate programs.
- C. **Community Development:** The committee on Community Development shall develop and implement strategies to secure local, federal and private resources in support of Serve DC – Mayor's Office on Volunteerism.



**IX. MEETINGS**

The Commission shall meet at least quarterly. Failure to attend at least 75 percent of called meetings in any calendar year shall result in removal from the Commission. A quorum shall consist of a simple majority of voting members.

**X. DUTIES AND RESPONSIBILITIES**

The Commission shall, in the performance of its duties and responsibilities:

- A. Serve as a citywide advocate for community service;
- B. Facilitate and encourage communication and collaboration among and between individuals, communities, and organizations, public and private;
- C. Identify and provide training and technical assistance for community service programs;
- D. Encourage volunteer recognition activities and greater citizen participation in community service;
- E. Foster coordination of local services by encouraging District government agencies to collaborate;
- F. Provide resource information concerning funding and model programs in community service;
- G. Develop a process of continuous improvement and evaluation for both Commission activities and national service programs in the state; and
- H. Administer and implement policies of the Corporation for National and Community Service.

**XI. MISCELLANEOUS**

- A. The Executive Office of the Mayor shall serve as the fiscal agent in the execution of duties under the Commission. The Commission shall take necessary steps to coordinate volunteer programs with other public or private programs or projects carried out in the District of Columbia. District government agencies shall cooperate with the Commission in disseminating information about the availability of assistance under this Order.


B. All members currently serving on the Commission shall continue to serve for the remainder of their term and are eligible for reappointment pursuant to Section V of this Order. The date the current members were installed for their current terms shall be the anniversary date for all subsequent appointments.

**XII. RESCISSION**

This Order rescinds Mayor's Order 2000-113, dated July 21, 2000, and all prior Mayor's Orders to the extent of any inconsistency.

**XIII. 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 2013-172  
September 20, 2013

**SUBJECT:** Establishment – Age-Friendly DC Task Force

**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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Supp.), it is hereby **ORDERED** that:

**I. ESTABLISHMENT**

There is hereby established in the Executive Branch of the Government of the District of Columbia the Age-Friendly DC Task Force (“Task Force”).

**II. PURPOSE**

The purpose of the Task Force shall be to advise the Mayor regarding issues related to making the District of Columbia an age-friendly city by 2017 according to the World Health Organization’s (“WHO”) eight domains and two DC-specific domains: (1) outdoor spaces and buildings, (2) transportation, (3) housing, (4) social participation, (5) respect and social inclusion, (6) civic participation and employment, (7) communication and information, (8) community support and health services, (9) disaster preparedness and response, and (10) elder abuse, neglect, and fraud.

**III. FUNCTIONS**

The Task Force shall:

- A. Produce the *Age-Friendly DC by 2017 Strategic Plan* to include city-wide recommendations for improvements and enhancements to transform the District of Columbia into an age-friendly city, and recommend methods to chart the District’s progress;

- B. Advise on best practices, strategies, policies, and private and public funding opportunities for implementing the *Age-Friendly DC by 2017 Strategic Plan*;
- C. Make recommendations on developing, expanding, or fostering public-private partnerships and linkages between the District and other organizations;
- D. Advise on strategies to expand awareness of and enthusiasm for District-wide efforts to improve the supports, city services and attitudes towards seniors as part of the WHO Age-Friendly City Initiative; and
- E. Undertake other functions as requested by the Mayor or his or her designee.

#### IV. COMPOSITION

The Task Force shall be comprised of twenty-three (23) voting members. All Task Force members shall be appointed by the Mayor and shall include the following:

- A. Community Members:
  - 1. One (1) representative to serve as Co-Chairperson;
  - 2. One (1) representative with expertise on Outdoor Spaces and Buildings (domain #1);
  - 3. One (1) representative with expertise on Transportation (domain #2);
  - 4. One (1) representative with expertise on Housing (domain #3);
  - 5. One (1) representative with expertise on Social Participation (domain #4);
  - 6. One (1) representative with expertise on Respect and Social Inclusion (domain #5);
  - 7. One (1) representative with expertise on Civic Participation and Employment (domain #6);
  - 8. One (1) representative with expertise on Communication and Information (domain #7);

9. One (1) representative with expertise on Community Support and Health Services (domain #8);
10. One (1) representative with expertise on Disaster Preparedness and Response (domain #9); and
11. One (1) representative with expertise on Elder Abuse, Neglect, and Fraud (domain #10).

B. D.C. Government Members:

1. The Deputy Mayor for Health and Human Services shall serve as the Co-Chairperson;
2. The Director, Office of Planning, or his or her designee;
3. The Director, Department of Housing and Community Development, or his or her designee;
4. The Director, Office of Community Affairs, or his or her designee;
5. The Director, District Department of Transportation, or his or her designee;
6. The Director, Office of Disability Rights, or his or her designee;
7. The Director, Department of Employment Services, or his or her designee;
8. The Director, D.C. Office on Aging, or his or her designee;
9. The Deputy Mayor for Public Safety and Justice, or his or her designee;
10. The Director, Department of Human Services, or his or her designee;
11. The Deputy Mayor for Education, or his or her designee; and
12. The Deputy Mayor for Planning and Economic Development, or his or her designee.

V. **TERMS**

The terms of the members of the Task Force shall be as follows:

- A. Community Members shall serve until December 31, 2017;
- B. The Community Member Co-Chairperson shall serve at the pleasure of the Mayor in his or her capacity as Co-Chairperson.
- C. The D.C. Government Member Co-Chairperson shall serve at the pleasure of the Mayor.
- D. Government members shall serve at the pleasure of the Mayor; and
- E. The Mayor shall appoint members to fill vacancies for the remainder of the unexpired term.

#### VI. ORGANIZATION

- A. The Task Force shall have domain-specific committees. A domain-specific committee ("Committee") may include individuals who are not members of the Task Force. These Committee members must be nominated by either Co-Chairperson and approved by the Task Force.
- B. The Task Force shall establish its own bylaws and rules of procedure, subject to approval by the Mayor or the Mayor's designee.

#### VII. MEETINGS

- A. Beginning in September 2013, the Task Force shall meet monthly, and/or at such other times as may be deemed necessary by the Co-Chairpersons, until presenting its *Age-Friendly DC Strategic Plan* in 2014. Thereafter, the Task Force will meet at least quarterly, until preparation of a report to the World Health Organization in 2017 is completed.
- B. A quorum for purposes of conducting a meeting shall be a Co-Chairperson and at least five other Task Force members.
- C. Either Co-Chairperson may excuse a member from a meeting for an emergency reason.
- D. The Mayor may remove any member who fails to attend two (2) unexcused, consecutive meetings. The Co-Chairpersons shall remove a member who fails to attend three (3) consecutive excused or unexcused meetings.

#### VIII. ADMINISTRATION

The Office of the Deputy Mayor for Health and Human Services shall provide administrative support to the Task Force.


**IX. COMPENSATION**

The members of the Task Force and its Committees shall serve without any compensation, except that a member may be reimbursed for expenses incurred in the authorized execution of his or her official duties only if the Deputy Mayor for Health and Human Services approves the expense in advance.

**X. 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 2013-173  
September 20, 2013


**SUBJECT:** Appointments – Age-Friendly DC Task Force

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to Mayor's Order 2013-172, dated September 20, 2013, it is hereby **ORDERED** that:

1. **BB OTERO**, Deputy Mayor for Health and Human Services, is appointed as Co-Chairperson of the Age-Friendly DC Task Force ("Task Force"), and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.
2. **STEVEN KNAPP**, President, The George Washington University, is appointed as Co-Chairperson of the Task Force, and shall serve in the capacity of Co-Chairperson at the pleasure of the Mayor, for a term to end December 31, 2017.
3. **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 2013-174  
September 20, 2013


**SUBJECT:** Reappointments – Police Complaints Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999, D.C. Law 12-208, D.C. Official Code § 5-1104 (2008 Repl.), it is hereby **ORDERED** that:

1. **IRIS M. CHAVEZ**, who was nominated by the Mayor on June 4, 2012, and approved by the Council of the District of Columbia (“Council”) pursuant to Resolution 19-0664 on November 1, 2012, is reappointed as a member of the Police Complaints Board (“Board”) for a term to end January 12, 2015.
2. **ASSISTANT CHIEF PATRICK A. BURKE**, who was nominated by the Mayor on June 4, 2012, and approved by the Council pursuant to Resolution 19-0663 on November 1, 2012, is reappointed as the Metropolitan Police Department member of the Board for a term to end January 12, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 1, 2012.

  
\_\_\_\_\_  
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 2013-175  
September 20, 2013


**SUBJECT:** Appointment – Tax Revision Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 4(a) and (b) of the Tax Revision Commission Establishment Act of 1996, effective June 13, 1996, D.C. Law 11-143, D.C. Official Code § 47-463(a) and (b) (2005 Repl.), it is hereby **ORDERED** that:

1. **KIM REUBEN** is appointed as a member, and an expert in the field of taxation, replacing Tracy Michelle Gordon, Ph.D., to the Tax Revision Commission, for a term to end March 13, 2015.
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 2013-176  
September 23, 2013


**SUBJECT:** Appointments – Citizen Review Panel: Child Abuse and Neglect

**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 351 and 352 of the Child in Need of Protection Amendment Act of 2004, effective April 12, 2005, D.C. Law 15-341, D.C. Official Code §§ 4-1303.51 and 4-1303.52 (2008 Repl.), it is hereby **ORDERED** that:

1. **DR. MATTHEW LEVY** is appointed as a member of the Citizen Review Panel: Child Abuse and Neglect (“Review Panel”), replacing Susan Gross, to complete the remainder of an unexpired term ending September 24, 2015.
2. **DAMON KING** is appointed as a member of the Review Panel, replacing Jelani A. Freeman, to complete the remainder of an unexpired term ending September 24, 2015.
3. **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 2013-177  
September 24, 2013


**SUBJECT:** Amendment of Mayor's Order 2013-166, dated September 11, 2013:  
Appointments – Commission on Latino Community Development

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Supp.), it is hereby **ORDERED** that:

1. Paragraph I of Mayor's Order 2013-166, dated September 11, 2013, is amended to correct the name of **JUAN SEBASTIAN LOPEZ** to read as **JUAN SEBASTIAN VELAZQUEZ**.
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 2013-178  
September 25, 2013


**SUBJECT:** Delegation of Authority to Prosecute and Obtain a Design Patent for a Dome Light for Taxicabs

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), it is hereby **ORDERED** that:

1. The Chairperson of the District of Columbia Taxicab Commission is delegated the authority of the Mayor to prosecute and obtain for the District of Columbia a design patent for a dome light for use by licensed taxicabs in accordance with 31 DCMR § 605. The Chairperson of the District of Columbia Taxicab Commission may perform all acts which are necessary or appropriate to effectuate the purposes of this delegation.
2. The authority delegated herein to the Chairperson of the District of Columbia Taxicab Commission may be further delegated to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to September 23, 2013.

  
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  
AGENDA

WEDNESDAY, OCTOBER 2, 2013 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class CR License. ANC 1A. SMD 1A01. *La Dulce Noche*, 3566 14<sup>th</sup> Street, NW.

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2. Review Request to Change License Class from CT to CR. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. Conflict with Settlement Agreement. ANC 2B. SMD2B08. *Chupacabra*, 822 H Street NE, Retailer CT, Lic#: 92662.

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3. Review Request to Withdraw Application for Entertainment Endorsement. No pending enforcement matters. No outstanding fines/citations. Existing protest. ANC 6A. SMD 6A01. *Sahra Hookah Lounge*, 1200 H Street NE, Retailer CT, Lic#: 87558.

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4. Review Change of Hours Application to Change Hours of Operation and Alcoholic Beverage Sales Consumption. Requesting to open one (1) hour earlier. Approved Hours of Operation, Alcoholic Beverage Sales and Consumption: Sunday-Thursday 11am to 2am. Friday-Saturday 11am to 3am. Proposed Change of Hours of Operation, Alcoholic Beverage Sales and Consumption: Sunday-Thursday 10am to 2am. Friday and Saturday 10am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC. SMD. *Ben's Next Door*, 1211 U Street NW, Retailer CT, License#: 77567.

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5. Review Change of Hours Application to Change Hours of Operation and Alcoholic Beverage Sales and Consumption. *Approved Hours of Operation, Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 8am to 11pm. Friday and Saturday 8am to 12am. *Proposed Change of Hours of Operation:* Sunday-Thursday 8am to 2am. Friday and Saturday 8am to 3am. *Proposed Change of Hours of Sales and Consumption:* Sunday-Thursday 10am to 2am. Friday-Saturday 10am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC 2B. SMD2B08. *Bar Charley's*, 1825 18<sup>th</sup> Street NW, Retailer CR. Lic#: 92461.

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6. Review of Request for Reinstatement of Application to Terminate the Settlement Agreement, filed by Protest from Reed Landry and Kin Jun Sung of Prospect Dining, LLC. **George**, 3251 Prospect Street NW, Retailer CR, Lic#: 078058.

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7. Review of Opposition of Request for Reinstatement of Application to Terminate the Settlement Agreement, filed by Edward L. Emes, Protestant. **George**, 3251 Prospect Street NW, Retailer CR, Lic#: 078058.

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8. Review of Motion for Reconsideration for Dismissal of Protest of Group of Five or More from Edward L. Emes. **George**, 3251 Prospect Street NW, Retailer CR, Lic#: 078058.

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6. Review of Motion for Reconsideration for Dismissal of Protest of Group of Five or More filed by Virginia Radley Emes. **George**, 3251 Prospect Street NW, Retailer CR, Lic#: 078058.

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7. Review of Request for Waiver of Mediation from Carol L. O’Riordan, Counsel for Group of Eight Concerned Property Owners. **JP’s**, 2412 Wisconsin Avenue NW, Retailer CN, Lic#: 008511. *Application for a Substantial Change 13-PRO-00108*

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8. Review Request for Waiver of Mediation from ANC Commissioner Jackie Blumenthal ANC 3B. **JP’s**, 2412 Wisconsin Avenue NW, Retailer CN, Lic#: 008511. *Application for a Substantial Change 13-PRO-00108*

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9. Review of Request for Waiver of Mediation from Paul Kadlick of BJ’s Enterprise, Inc. **JP’s**, 2412 Wisconsin Avenue NW, Retailer CN, Lic#: 008511. *Application for a Substantial Change 13-PRO-00108*

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10. Review of Request dated August 23, 2013 from Crown Imports, LLC, for Board approval to provide Retailers with products valued at more than \$50 and less than \$500.

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11. Review of Settlement Agreement between Group of Five or More and The Ghibellina. **The Ghibellina**, 1610 14<sup>th</sup> Street NW, Retailer CT, Lic#: 088785.

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12. Review of Settlement Agreement between ANC 6D and The Sequoia Presidential Yacht Group. *The Sequoia Presidential Yacht*, 600 Water Street SW, Retailer CX, Lic#: 090850.

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13. Review of Settlement Agreement between Abigail Nichols and Lillian Gaskins and National Tap House. *National Tap House*, 1331 Connecticut Avenue NW, Retailer CT, Lic#: 092156.

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14. Review of Settlement Agreement between ANC 6C and Indigo. *Indigo*, 243 K Street NE, Retailer CT, Lic#: 092792.

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**\* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**



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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 2, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On October 2, 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-CC-00101 The Looking Glass Lounge at Temperance Hall, 3634 GEORGIA AVE NW Retailer C Tavern, License#: ABRA-074765

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2. Case#13-CMP-00357 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

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3. Case#13-CC-00083 Busboys & Poets, 1390 V ST NW 111 Retailer C Restaurant, License#: ABRA-071220

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4. Case#13-251-00095 Chads Friendship Heights, 5247 WISCONSIN AVE NW 000C1 Retailer C Tavern, License#: ABRA-025546

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5. Case#13-CMP-00356 McKinley Market, 321 T ST NE Retailer B Retail - Grocery, License#: ABRA-083044

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6. Case#13-CMP-00354 Optimism, 3301 12TH ST NE Retailer C Tavern, License#: ABRA-083552

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7. Case#13-CC-00100 DC Reynolds, 3628 GEORGIA AVE NW Retailer C Tavern, License#: ABRA-087045

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8. Case#13-CMP-00359 NY NY Diva, 2406 - 2408 18th ST NW Retailer C Restaurant,  
License#: ABRA-092380

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9. Case#13-CMP-00380 Federal Lounge, 2477 18TH ST NW Retailer C Tavern, License#:  
ABRA-091249

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10. Unlicensed Establishment, 508 Florida Avenue, NW

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11. Case#13-PRO-00087 The Graham/A.G.B., 1075 THOMAS JEFFERSON ST NW Retailer C  
Hotel, License#: ABRA-089867

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**ACHIEVEMENT PREP PUBLIC CHARTER SCHOOL****PUBLIC NOTIFICATION**

Achievement Prep Public Charter School participates in the National School Lunch Program (NSLP) and as part of the renewal process the school is required to inform the community about it. Achievement Prep Public Charter School follows the laws and regulations to participate in the NSLP.

“In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.”

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:

Pertinent section of DC Code § 2-1402.11:

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia’s Office of Human Rights at (202) 727-3545.

**CEDAR TREE ACADEMY**  
**REQUEST FOR PROPOSALS**  
**HVAC and Controls Service**

Cedar Tree Academy Public Charter School invites proposals for HVAC and Controls service contracts for 2013-2014. Bid specifications may be obtained on our website at [www.cedartree-dc.org](http://www.cedartree-dc.org). Any questions regarding this bid must be submitted in writing to [lhenderson@cedartree-dc.org](mailto:lhenderson@cedartree-dc.org) before the RFP deadline. Bids must be submitted to: Dr. LaTonya Henderson, Executive Director/Principal, Cedar Tree Academy Public Charter School, 701 Howard Road, SE, Washington, DC 20020.

**Cedar Tree Academy will receive bids until Monday, October 7, 2013 and no later than 2:00 p.m.**

**CESAR CHAVEZ PUBLIC CHARTER SCHOOL DC****REQUEST FOR PROPOSALS**

The Cesar Chavez Public Charter For Public Policy Schools invites interested and qualified vendors to submit proposals to provide services in the following areas:

**Arts and Physical Education Services:** Chavez is looking for culturally relevant art programming provider. The provider must offer arts integration as a part of a well rounded instructional program and be highly qualified in the content area. The provider must have the capacity to service approximately 200 7<sup>th</sup> and 8<sup>th</sup> grade students. Provider must also offer physical education to 8<sup>th</sup> grade students. Arts and physical education providers must offer services between 8am and 3:30pm.

Interested vendors may contact Felecia Irick at [Felecia.Irick@chavezschools.org](mailto:Felecia.Irick@chavezschools.org)

Deadline for receiving bids is Wednesday October 2, 2013 at 5pm

**Grant Writing Services Provider:** Chavez Schools is seeking proposals from qualified consultants or firms to provide professional grant writing services. Consultants or firms must be experienced with a proven track record of writing award winning grants for non-profit middle and high school systems. Experience working with District of Columbia charter schools is highly preferred. The provider must also have experience working with complex government and public grants as well as demonstrated success securing corporate and foundation grants. Capacity to deliver 2-4 high quality grant proposal per month and a minimum of 5 years of grant writing experience is required. Services will include the following: Identifying grant opportunities available through local, federal, corporate, private foundation and other funding sources; Composing 2-4 high-quality grant proposals monthly; Monitor submission process and initiate any necessary follow-up for grant proposals; Advise staff on the fulfillment of grant reporting requirements; Report to Director of Development as necessary; Conduct weekly meetings to discuss, select and prioritize grant opportunities and submissions; Perform other tasks related to the timely submission of high-quality grants as needed; and Obtain approval for all grant applications in advance of submittal.

Interested vendors may contact Janell George at [Janell.George@chavezschools.org](mailto:Janell.George@chavezschools.org)

Deadline for receiving bids is Wednesday October 2, 2013 at 5pm.

**CHILD SUPPORT SERVICES DIVISION  
DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION**

**NOTICE OF A PUBLIC MEETING**

**The District of Columbia's Child Support Guideline Commission's meeting**

Wednesday, October 2, 2013, at 8:30 A.M.  
D.C. Office of the Attorney General, Child Support Services Division  
441 4<sup>th</sup> 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](http://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](mailto:cory.chandler@dc.gov) by Monday, September 30, 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., Tuesday, October 1, 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.  
4<sup>th</sup> Floor  
Washington, D.C. 20003

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 5A04, 7F07 and 8E03**

Petition Circulation Period: **Monday, September 30, 2013 thru Monday, October 21, 2013**  
Petition Challenge Period: **Thursday, October 24, 2013 thru Wednesday, October 30, 2013**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections  
441 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

For more information, the public may call **727-2525**.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit #6743 to the District of Columbia Water and Sewer Authority (DC Water) to construct and operate one Cummins emergency diesel generator, located in Washington, DC. The contact person for the facility is Meena Gowda, Principal Counsel, office of the General Counsel, at (202) 787-2628.

Emergency Generator to be Permitted

| <b>Equipment Location</b>  | <b>Address</b>   | <b>Equipment Size</b> | <b>Model Number</b> | <b>Permit No.</b> |
|--|--|-----------------------|---------------------|-------------------|
| Intersection of 16 <sup>th</sup> St. NW and Alaska Ave. NW Pumping Station | 16 <sup>th</sup> St. and Alaska Ave. NW Washington, DC 20032 | 121 kW (162 hp)       | QSB7-G5NR3          | 6743              |

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

| <b>Emission Standards</b> |                |
|---------------------------|----------------|
| <b>Pollutant</b>          | <b>g/kW-hr</b> |
| NMHC+NO <sub>x</sub>      | 4.0            |
| CO                        | 5.0            |
| PM                        | 0.3            |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]



The estimated emissions from the Emergency Generator are as follows:

| <b>Pollutant</b>                      | <b>Emission Rate (lb/hr)</b> | <b>Maximum Annual Emissions (tons/yr)</b> |
|---------------------------------------|------------------------------|---|
| Carbon Monoxide (CO)                  | 0.30                         | 0.07                                      |
| Oxides of Nitrogen (NO <sub>x</sub> ) | 0.69                         | 0.17                                      |
| Total Particulate Matter , PM (Total) | 0.036                        | 0.009                                     |
| Volatile Organic Compounds (VOCs)     | 0.043                        | 0.011                                     |
| Sulfur Dioxide (SO <sub>x</sub> )     | 0.00184                      | 0.000460                                  |

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after October 28, 2013 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue permit (#6751) to American University to install and operate the following listed diesel-fired emergency generator engine located in Washington, DC. The contact person for the facility is Juan Allen, Chief Engineer, Central Plant Operations, at (202) 885-2336.

Emergency Generator to be Permitted

| <b>Equipment Location</b> | <b>Address</b>                             | <b>Engine Size</b>  | <b>Model Number</b> | <b>Permit No.</b> |
|---------------------------|--|---------------------|---------------------|-------------------|
| Roof Top of Building      | 4401 Connecticut Ave. NW<br>Washington, DC | 847 kW<br>(1135 hp) | QSK23-G7 NR2        | 6751              |

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

| <b>Emission Standards</b> |                |
|---------------------------|----------------|
| <b>Pollutant</b>          | <b>g/kW-hr</b> |
| NMHC+NO <sub>x</sub>      | 6.4            |
| CO                        | 3.5            |
| PM                        | 0.2            |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

| <b>Pollutant</b>                      | <b>Emission Rate (lb/hr)</b> | <b>Maximum Annual Emissions (tons/yr)</b> |
|---------------------------------------|------------------------------|---|
| Carbon Monoxide (CO)                  | 0.556                        | 0.139                                     |
| Oxides of Nitrogen (NO <sub>x</sub> ) | 14.755                       | 3.689                                     |
| Total Particulate Matter , PM (Total) | 0.125                        | 0.0312                                    |
| Volatile Organic Compounds (VOCs)     | 0.800                        | 0.200                                     |
| Sulfur Dioxide (SO <sub>x</sub> )     | 0.321                        | 0.0803                                    |

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue permits (#6752) to American University to install and operate the following listed diesel-fired emergency generator engine located in Washington, DC. The contact person for the facility is Juan Allen, Chief Engineer, Central Plant Operations, at (202) 885-2336.

Emergency Generator to be Permitted

| <b>Equipment Location</b> | <b>Address</b>                               | <b>Engine Size</b> | <b>Model Number</b> | <b>Permit No.</b> |
|---------------------------|--|--------------------|---------------------|-------------------|
| Cassell Hall              | 4400 Massachusetts Ave. NW<br>Washington, DC | 226 kW<br>(303 hp) | QSB7-G5 NR3         | 6752              |

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

| <b>Emission Standards</b> |                |
|---------------------------|----------------|
| <b>Pollutant</b>          | <b>g/kW-hr</b> |
| NMHC+NO <sub>x</sub>      | 4.0            |
| CO                        | 3.5            |
| PM                        | 0.2            |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

| <b>Pollutant</b>                      | <b>Emission Rate (lb/hr)</b> | <b>Maximum Annual Emissions (tons/yr)</b> |
|---------------------------------------|------------------------------|---|
| Carbon Monoxide (CO)                  | 0.127                        | 0.032                                     |
| Oxides of Nitrogen (NO <sub>x</sub> ) | 3.060                        | 0.765                                     |
| Total Particulate Matter , PM (Total) | 0.013                        | 0.0033                                    |
| Volatile Organic Compounds (VOCs)     | 0.748                        | 0.187                                     |
| Sulfur Dioxide (SO <sub>x</sub> )     | 0.000193                     | 0.0000481                                 |

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

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**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (#6785) to GOEL Services Inc. to construct and operate a temporary portable crushing plant at 1150 Michigan Avenue NE, Washington, DC 20019. The contact person for the applicant is Piyush J. Goel, President, at (202) 465-6900. The applicant’s mailing address is 6201 Dix Street NE Washington, DC 20019.

The proposed overall emission limits for the equipment are as follows:

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of the permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

Emissions from the unit are not expected to exceed the following:

| <b>Pollutant</b>   | <b>Maximum Annual Emissions (tons/yr)</b> |
|--|---|
| Carbon Monoxide (CO)   | 2.17                                      |
| Non-Methane Hydrocarbons (NMHC) plus Oxides of Nitrogen (NO <sub>x</sub> ) | 7.81                                      |
| Particulate Matter (PM)  | 0.23                                      |

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

**BEGA – Advisory Opinion – 1080-001**

Office of Government Ethics

September 5, 2013

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

This responds to your July 22, 2013 letter, in which you request an advisory opinion on whether you may participate further in the Council’s consideration of Bill 20-348, the “Tax Clarity Equity Amendment Act of 2013” (“Bill”). Based on the information in your letter and in attachments to it, I conclude that you may permissibly continue to join in the Council’s work on the Bill.

In your letter, you state that you co-introduced the Bill on June 18, 2013. You also state that a beneficiary of the legislation would be PEPCO,<sup>1</sup> in which you own 863 shares of stock valued at approximately \$17,500.<sup>2</sup>

In order to respond to your request, a brief discussion of the Bill is necessary. Section 2(a) of the Bill would require the District government to “provide a tax credit to make whole a taxpayer whose taxable income for tax years preceding the Tax Clarity Act of 2000<sup>[3]</sup> was changed or corrected by the Commissioner of Internal Revenue.” The tax credit would “equal the decrease in the District tax for such years computed using the changed or correctable taxable income as determined by the Commissioner of Internal Revenue.” *Id.* Section 3 would make the legislation applicable to tax periods before 2001.

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<sup>1</sup> In a July 1, 2013 letter to the District’s Chief Financial Officer, a copy of which letter was included with your letter to me, you stated that “[t]he [Bill] was introduced in response to Pepco which...was audited by the IRS for several tax years – some or all of which preceded the Tax Clarity Act of 2000. This resulted in a 2010 determination to correct its returns. The correction would lead to a District refund except for a statute of limitations on refunds predating the Tax Clarity Act of 2000.”

<sup>2</sup> For purposes of this response, I will assume that the approximate value of your shares of the PEPCO stock has remained the same, even though it may have changed since the date of your letter.

<sup>3</sup> Effective June 9, 2001, D.C. Law 13-305, 48 DCR 334.



There is nothing in the Bill, on its face, to suggest that PEPCO specifically would benefit from the legislation. The term “taxpayer” is not defined. However, section 2(c) of the Bill would leave it to the taxpayer to “designate the *tax type or types* for applying the credit by notifying the Office of Tax and Revenue at the time the credit is taken on a return.” (Emphasis added.) In other words, the legislation reasonably appears to include within its reach both corporate entities, such as PEPCO, as well as individual taxpayers.

Given this background, section 223 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 § 1162.23 (2012 Supp.),<sup>4</sup> applies. That section provides as follows:

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.

(Emphasis added.)<sup>5</sup>

Section 223 applies because, notwithstanding any effect on your personal financial interests, the Ethics Act defines the phrase “person closely affiliated with the employee” to include an “affiliated organization,”<sup>6</sup> which, in turn, is defined as including an organization “[i]n which the employee...is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value.”<sup>7</sup> Assuming the Bill becomes law, the question is whether it is likely to have a direct and predictable effect<sup>8</sup> on PEPCO’s financial interests, coming in the form of tax credits for several tax years.

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<sup>4</sup> Section 223 is part of the District’s Code of Conduct by virtue of section 101(7)(F) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(F)).

<sup>5</sup> Cf. Rule 1(a), Council Rules of Official Conduct for Council Period 20 (containing identical language as section 223 of the Ethics Act). The Council Rules are, collectively, part of the Code of Conduct by virtue of section 101(7)(A) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(A)).

<sup>6</sup> See section 101(43) (D.C. Official Code § 1-1161.01(43)).

<sup>7</sup> Section 101(3)(A)(ii) (D.C. Official Code § 1-1161.01(3)(A)(ii)).

<sup>8</sup> Section 101(11) of the Ethics Act (D.C. Official Code § 1-1161.01(11)) defines the phrase “direct and predictable effect” as having three necessary elements: “(A) [a] close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest; (B) [a] real, as opposed to a speculative possibility, that the matter will affect the financial interest; and (C) [t]he effect is more than *de minimis*.” (Emphasis added).

If so, absent an express or implied exemption, section 223 would require you either to recuse yourself from any further participation on the Bill or divest your interest in the PEPCO stock to less than \$1,000. However, a federal criminal statute, 18 U.S.C. § 208, also applies here<sup>9</sup> and, as discussed below, provides for relevant exemptions that I believe to be instructive in interpreting how section 223 should be applied.

An individual is prohibited by 18 U.S.C. § 208(a) from “participat[ing] personally and substantially as a Government officer or employee, 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 in which, to his knowledge, he...has a financial interest.” Of note, given the language of Ethics Act section 223, 18 U.S.C. § 208(a) “has long been interpreted as applying where the matter will have a ‘direct and predictable effect’ on the employee’s financial interest or on the financial interests of other persons or entities specified in the statute.” Notice of proposed rules, *Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest)* (“Rulemaking Notice”), 60 Fed. Reg. 47208, 47209 (September 11, 1995) (citing 2 Op. Off. Legal Counsel 151, 155 (June 29, 1978)).<sup>10</sup>

Here, as a co-introducer of the Bill, you acted personally and substantially with respect to it. *See* 5 C.F.R. § 2640.103(a)(2) (stating that, for purposes of 18 U.S.C. § 208(a), “[t]o participate ‘personally’ means to participate directly” and “[t]o participate ‘substantially’ means that the employee’s involvement is of significance to the matter. Participation may be substantial even though it is not determinative of the outcome of a particular matter.”).

However, 18 U.S.C § 208(b) affords exemptions from the general prohibition against taking acts affecting personal financial interest. Of particular relevance here, paragraph (2) of the subsection provides that the general prohibition does not apply “if, by regulation issued by the Director of the [U.S.] Office of Government Ethics, applicable to all or a portion of all officers and employees covered by [18 U.S.C. § 208], and published in the Federal Register, the financial interest has been exempted from the requirements of subsection [208](a) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies.”

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<sup>9</sup> Section 208(a) applies to anyone who is “an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee.” *See also* section 3206(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”), effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-632.06(1) (2001) (providing that “provisions of Title 18 of the United States Code insofar as they affect employees of the District of Columbia government shall not be affected by [the CMPA]”).

<sup>10</sup> *See also* David R. Flickinger, *Attracting the Best and the Brightest to Government Service: Requiring Scintier for Criminal Conflicts of Interest*, 25 Geo. J. Legal Ethics 519, 525-530 (2012) (discussing history, statutory framework, and judicial interpretation of section 208). Penalties for violation of section 208(a) are set out in 18 U.S.C. § 216.

Such regulations are in effect, one of which exempts individuals who participate in particular matters<sup>11</sup> in which their financial interest arises from holdings of publicly traded stock below certain levels. *See* 5 C.F.R. § 2640.202.<sup>12</sup> As a District government employee, you may take advantage of the exemption. *See* OGE Informal Advisory Letter 00x5 at 3 (May 18, 2000) (“District of Columbia employees may utilize any applicable exemptions found in subpart B of 5 C.F.R. part 2640.”). The question, rather, comes down to the extent that you are able to do so, given the value of your PEPCO stock holdings. The resolution of that question depends on whether your work on the Bill involves what the federal regulations term a “particular matter involving specific parties” or a “particular matter of general applicability.”

A “particular matter involving specific parties” is one that “includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter *involving a specific party or parties.*” 5 C.F.R. § 2640.102(l) (emphasis added); *see also* Memorandum from Robert I. Cusick, Dir., U.S. Office of Government Ethics, to Designated Agency Ethics Officials on “Particular Matter Involving Specific Parties,” “Particular Matter,” and “Matter,” at 2 (DO-06-29; Oct. 4, 2006) (explaining that the phrase is used throughout the conflict of interest laws and OGE regulations, “but the meaning remains the same, focusing primarily on the presence of specific parties”). For a particular matter involving specific parties, an employee may not hold more than an aggregate market value of \$15,000 in publicly traded stock issued by entities that are parties to the matter. *See* 5 C.F.R. § 2640.202(a)(2).<sup>13</sup>

A “particular matter of general applicability” is “a particular matter that is focused on the interests of a discrete and identifiable class of persons, but *does not involve specific parties.*” 5 C.F.R. § 2640.102(m) (emphasis added). As such, this type of particular matter “provide[s] for broader exemptions from the conflict-of-interest regulations.” Conley, 86 Tex. L. Rev. at 169. Not surprisingly, then, for a particular matter of general applicability, an employee may hold publicly traded stock, the market value of which cannot be more than \$25,000 in any one entity or more than \$50,000 in all affected entities. *See* 5 C.F.R. § 2640.202(c)(1)(i).<sup>14</sup>

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<sup>11</sup> *See* 5 C.F.R. § 2640.103(a)(1) (defining “particular matter” for purposes of 18 U.S.C. § 208(a) as including “only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters which do not involve formal parties and may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons”).

<sup>12</sup> *See also* Joe G. Conley, *Conflict of Interest and the EPA’s Science Advisory Board*, 86 Tex. L. Rev. 165, 169-170 (2007) (discussing exemptions).

<sup>13</sup> The section heading for subsection (a) of 5 C.F.R. § 2640.202 is “[d]e minimis exemption for matters involving parties.” *See Florida Dep’t of Revenue v. Piccadilly Cafeterias, Inc.*, 554 U.S. 33, 47 (2008) (“[S]tatutory titles and section headings are tools available for the resolution of [any] doubt about the meaning of a statute.”) (internal editing and quotation marks omitted)).

<sup>14</sup> The section heading for subsection (c) of 5 C.F.R. § 2640.202 is “[d]e minimis exemption for matters of general applicability.”

Here, the Bill constitutes a particular matter of general applicability. First, the relief that it would afford would extend to everyone in that class of persons who could demonstrate eligibility for the tax credit to the satisfaction of the taxing authorities.<sup>15</sup> Second, to the extent that the Bill does not define the term “taxpayer,” it does not involve a specific party or parties. Last, in any event, “the phrase [particular matter involving specific parties] *does not cover particular matters of general applicability*, such as rulemaking, *legislation*, or policy-making of general applicability.” Cusick memorandum at 4 (emphasis added).<sup>16</sup>

To be sure, “[m]any Government matters evolve, sometimes starting with a broad concept, developing into a discrete program, and eventually involving specific parties.” *Id.* However, I do not see such an evolution with respect to the Bill. A reverse process may even be taking place. In your July 1 letter to the Chief Financial Officer, you stated that PEPCO representatives had indicated to you that “there were two other taxpayers in a similar situation.” In his reply letter of July 9, a copy of which you enclosed with your letter to me, Dr. Gandhi noted that “an inquiry at the Office of Tax and Revenue...led to the identification of a fourth likely beneficiary,” and he ended by saying that “it is likely that there will be additional beneficiaries.”<sup>17</sup>

In sum, you may participate further in the Council’s consideration of Bill 20-348. Section 223 of the Ethics Act and 18 U.S.C. § 208(a) both deal with financial conflicts of interest and, accordingly, may be interpreted *in pari materia*.<sup>18</sup> I am persuaded, therefore, that your continued participation on the Bill is not likely to have a direct and predictable effect on either yours or PEPCO’s financial interests because the \$17,500 approximate value of your PEPCO stock is, for purposes of both statutes, too remote and inconsequential to trigger the prohibition. The

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<sup>15</sup> Cf. House Comm. on Standards of Official Conduct, *House Ethics Manual*, 110<sup>th</sup> Cong., 2nd Sess., at 234 (“where legislation affect[s] a class as distinct from individuals, a Member might vote”) (citation omitted); Senate Select Comm. on Ethics, *Senate Ethics Manual*, 108<sup>th</sup> Cong., 1<sup>st</sup> Sess., at 70 (“Legislation may have a significant financial effect on a Senator because his holdings are involved, but if the legislation also has a broad, general impact on his state or the nation, the prohibitions of the [Senate Rule prohibiting the use of legislative power to advance personal financial interests] would not apply.”) (citation omitted)).

<sup>16</sup> Mr. Cusick qualifies this statement by noting that, “usually, rulemaking and legislation are not covered, unless they focus narrowly on identified parties.” Memorandum at 4 n.4. He cites OGE Informal Advisory Opinion 83x7, involving “private relief legislation” for “specified parties,” as one example of such an exception. *Id.* However, for the reasons discussed in the text above, the Bill here is clearly not currently drafted so as to operate as private relief legislation. Also, see discussion in footnote 12.

<sup>17</sup> Indeed, in his letter, Dr. Gandhi also stated that “Bill 20-348 is so broadly written that it would authorize credits for refunds upon which the statute of limitations ran more than 60 years ago.”

<sup>18</sup> Generally, all statutes *in pari materia* (“upon the same matter or subject”) must be construed together as if they were one law. See, e.g., *Gondelman v. District of Columbia Dept. of Consumer & Regulatory Affairs*, 789 A.2d 1238, 1245 (D.C. 2002) (“We construe statutory provisions not in isolation, but together with other related provisions.”) (citations and internal punctuation omitted). Further, state and federal statutes on the same subject may be *in pari materia*. See *Hargrove v. United States*, 55 A.3d 852, 855 n.2 (D.C. 2012) (noting “the reach” of a certain exemption from District’s concealed weapons statute “by virtue of” provision in federal concealed weapons statute); see also *Morton v. Hammond*, 604 P.2d 1, 4 (Alaska 1979) (where state and federal statutes deal with same subject matter and state scheme relies on federal scheme, statutes are *in pari materia*).

following example, used to illustrate the exemption for particular matters of general applicability provided by 5 C.F.R. § 2640.202(c), serves to support my conclusion:

The Bureau of Export Administration at the Department of Commerce is in the process of formulating a regulation concerning exportation of portable computers. The regulation will affect all domestic companies that sell portable computers. An employee of the Department who is assisting in drafting the regulation owns \$17,000 worth of stock in CompAmerica and \$20,000 worth of stock in XYZ Computer Inc. Even though the employee owns \$37,000 worth of stock in companies *that will be affected by the regulation*, she may participate in drafting the regulation because the value of the securities she owns does not exceed \$25,000 *in any one affected company* and the total value of stock owned in *all affected companies* does not exceed \$50,000.

(Emphasis added).

This conclusion also reflects the realities that legislators often own interests in stock or other securities and that they are sometimes called upon to act on legislative matters that affect those interests. From a government ethics standpoint, the question is not one of prohibiting a legislator from owning securities. Rather, in any given case, the question is one of striking a proper, yet flexible, balance. The U.S. Office of Government Ethics was clearly mindful of these factors when it proposed the regulations governing the *de minimis* exemptions in particular matters of general applicability, as noted in the following passage from the Rulemaking Notice:

The Office of Government Ethics considered proposing to set the *de minimis* standard at no more than \$1,000 because that is the minimum value for assets that must be reported on an employee's public financial disclosure statement (SF 278). Setting the *de minimis* level at \$1,000 would have permitted agency ethics officials who review financial disclosure reports to counsel employees that [18 U.S.C. §] 208(b)(2) exempts all interests in securities they own whose values fall below the threshold for reporting on the SF 278 statement. However, the actual financial interest one might have in a matter because of the ownership of stock worth no more than \$1,000 *would have been a significantly lower amount than OGE believes can be considered "inconsequential" within the meaning of section 208(b)(2) and would have clearly limited the exemption's usefulness.*<sup>19</sup>

To be clear, the *in pari materia* doctrine does not *require* the District to apply the same standard where a different one is intended. However, I do not believe the Council intended to impose a harsher standard for District employees when it enacted the Ethics Act. Moreover, the federal

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<sup>19</sup> Rulemaking Notice, 60 Fed. Reg. at 47217 (emphasis added).

standard, as demonstrated above, appears to be a reasoned and thoughtful approach to application of the conflict of interest law – one that I believe may, and should, be applied to the District as well. To the extent that our conflict of interest law is designed, in part, to prevent government officials from personally profiting from official actions, I am not concerned that there is any such incentive or potential to do so here. PEPCO is a publicly traded company with billions of dollars in assets and over 200 million shares of outstanding stock. To suggest that a tax benefit to PEPCO of the type contemplated by this legislation would ultimately result in an appreciable increase in a \$17,500 ownership interest, such that you would personally profit, would be to stretch the bounds of reasonableness. I am also concerned that applying too strict an interpretation of the conflict of interest provision would work a hardship on the Council in accomplishing its legislative functions, if members were required to recuse themselves every time a similar type matter arises, no matter how remote or inconsequential.

Alternatively, because the ultimate decision is yours, you may wish to consider taking a conservative course by either divesting your interest in the PEPCO stock above \$15,000 – the upper limit for the value of stock holdings in cases of particular matters involving specific parties – or by recusing yourself from any further participation on the Bill altogether. Again, though, you would not be required to do so.

Please note that this advice is provided to you pursuant to section 219 of the Ethics Act (D.C. Official Code § 1162.19), which authorizes 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 section 219 of the Ethics Act also 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. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

#1081-001

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

**MEETING NOTICE**

*Date Changed from Announcement on 9/12/13\**

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **\*Tuesday, October 8, 2013, at 10:00 A.M.**, at the Department of Housing and Community Development, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See Draft Agenda below.

For additional information, please contact Oke Anyaegbunam via e-mail at [Oke.Anyaegbunam@dc.gov](mailto:Oke.Anyaegbunam@dc.gov) or by telephone at 202-442-7200.

**DRAFT AGENDA** (as of 9.18.13):

Call to Order, David Bowers, Chair

- 1) Approval of Meeting Minutes
- 2) Review of Revised Development Finance Division Analysis of Pipeline Requests
- 3) Review of Proposed Board Recommendation regarding status of HPTF as a Capital Fund and Need for Additional FY14 Budget Authority
- 4) Discussion of Recommendations for Trust Fund Use
- 5) Status of Needs Assessment Contract
- 6) Discussion of Next Meeting Agenda

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTICE OF REQUEST FOR PROPOSAL**

District of Columbia Public Charter School Board (PCSB) seeks proposals from independent certified public accountants or accounting firms to be selected for an "Approved Auditor List." In exchange for significant operating autonomy, DC public charter schools (PCS) are accountable for their use of public and private funding through an annual financial audit conducted in accordance with Government Auditing Standards pursuant to the DC School Reform Act. As such, DC public charter schools will be required to select an auditor from the Approved Auditor List (AAL) to fulfill their requirement of an annual financial compliance audit for fiscal years 2014 and 2015.

An electronic copy of the full Request for Proposal (RFP) can be located on PCSB's website at <http://www.dcpcsb.org/About-the-Board/Requests-for-Proposals.aspx> or requested by contacting:

AMU Committee  
amu@dcpcsb.org  
202.328.2660



## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL 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) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,<sup>1</sup> of its final rulemaking action taken in the above-captioned proceeding. On September 19, 2013, the Commission released Order No. 17252, approving Washington Gas Light Company's (WGL or the Company) amendment to General Regulations Tariff, P.S.C.-D.C. No. 3 for an updated Rights-of-Way (ROW) Surcharge.<sup>2</sup>

2. On May 22, 2013, pursuant to D.C. Code § 10-1141.06,<sup>3</sup> WGL filed an amendment to its General Regulations Tariff, P.S.C.-D.C. No. 3 for a Surcharge Update to reflect a revised ROW Reconciliation Factor.<sup>4</sup> The ROW Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the tariff filing, WGL sets forth the process used to recover from its customers the D.C. Public 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**  
**3<sup>rd</sup> Revised Page 56**

3. According to its tariff amendment, WGL's surcharge rate for the ROW Reconciliation Factor would become effective commencing with the June 2013 billing cycle.<sup>5</sup> WGL's Surcharge Update consists of the ROW Current Factor that is 0.0329 and the ROW

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<sup>1</sup> D.C. Code § 2-505 (2001) and D.C. Code § 34-802 (2001).

<sup>2</sup> *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) Order No. 17252, rel. September 19, 2013.

<sup>3</sup> D.C. Code § 10-1141.06 (2001) states 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."

<sup>4</sup> *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*, (GT00-2) Rights-of-Way Reconciliation Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed May 22, 2013 at 1.

<sup>5</sup> *Id.*

Reconciliation Factor of (0.0051) for the prior period, which yields a net factor of 0.0278.<sup>6</sup>

4. A Notice of Proposed Rulemaking (“NOPR”) and an Errata Notice regarding WGL’s Surcharge Update were published in the *D.C. Register* on June 28, 2013 and July 26, 2013, respectively.<sup>7</sup> No comments were filed in response to the NOPR. Subsequently, the Commission approved WGL’s General Regulations Tariff Amendment for its General Services Tariff, P.S.C.-D.C. No. 3, Section 22, 3<sup>rd</sup> Revised Page No. 56. and WGL’s updated Surcharge by Order No. 17252, effective as of the June 2013 billing cycle.

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<sup>6</sup> *Id.* at 2.

<sup>7</sup> *60 D.C. Reg.* 9766-9767 (June 28, 2013); *60 D.C. Reg.* 11003-11004 (July 26, 2013).

**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF PUBLIC INTEREST****CERTIFICATION OF WINNER OF THE SPECIAL ELECTION TO SERVE AS  
THE RETIRED POLICE OFFICER MEMBER OF THE BOARD**

The District of Columbia Retirement Board (the "Board") is required to conduct elections for its retired member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board's Rules for the Election of Members to the Board ("Election Rules"), the Board, through True Ballot, Incorporated ("TBI"), conducted a special election for the representative of the retired District of Columbia police officers.

The ballots were counted on Wednesday, September 18, 2013, at 900 7<sup>th</sup> Street, N.W., ML Level, Washington, D.C., in the presence of Board representatives, and under the supervision of TBI.

TBI submitted the Certification of Results to the Board on September 19, 2013. Pursuant to section 408.1 of the Election Rules, the Board hereby certifies the results of the elections and declares the winner to be Gary Hankins, a retired District of Columbia police officer.

Pursuant to section 408.4 of the Election Rules, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board's executive office located at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board's certification.

The Election Rules and the Certification of Results can be accessed on the Board's website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Eric O. Stanchfield, Executive Director  
D.C. Retirement Board  
900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor  
Washington, D.C. 20001

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

NOTICE OF FUNDING AVAILABILITY

In October 2013, the Office of the Secretary of the District of Columbia will solicit applications from nonprofit [501(c)(3)] organizations with a history of promoting Self-Determination, Voting Rights, Home Rule and/or Statehood for the District of Columbia to receive grant funds for such activities during Fiscal Year 2014.

There will be \$200,000 in District funds available during FY 2014 for DC democracy grant(s) to be allocated on a competitive basis. The Request for Applications (RFA) will be released no sooner than 14 days after the date that this Notice of Funding Availability is published in the *DC Register*. The deadline for submission of applications will be 30 days from the date of the Request for Applications. The Request for Applications will be posted on the website of the Office of the Secretary of the District of Columbia: [www.os.dc.gov](http://www.os.dc.gov) and on the website of the Office of Partnerships and Grants Services: [www.opgs.dc.gov](http://www.opgs.dc.gov), and will be available in hard copy at two locations managed by the Office of the Secretary during normal business hours:

- Office of the Secretary of the District of Columbia, John A. Wilson Building  
1350 Pennsylvania Avenue NW, Suite 419
- Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street NW, Suite 520 South

You may also request an email version of the RFA once available or for additional information contact [secretary@dc.gov](mailto:secretary@dc.gov).

This grant process will conform to the guidelines established in the *Policy Manual of the Office of Partnerships and Grant Services*.

**WASHINGTON YU YING PUBLIC CHARTER SCHOOL****INVITATION FOR BID****General Contractor**

**RFP for General Contractor:** Washington Yu Ying PCS is seeking competitive bids for a general contractor to construct additional classrooms and office space to its current building. The GC will be responsible for all aspects of construction. The project includes adding a fourth floor to the recently completed addition (approximately 3400sf), adding an enclosure to the rear outside deck to accommodate an administrative office suite (approximately 950sf), miscellaneous reconfiguration (scope to be determined), and additions within the existing building. Construction will begin by March 2013 and is expected to be completed by August 2013. The proposal should include an estimate for the project, fee structures, qualifications, and a sample of projects of a similar nature with timeframes for completion. For questions and inquires please contact Russell Sears via email at [russell@sears-architects.com](mailto:russell@sears-architects.com). Please send proposals and supporting documents to [RFP@washingtoneyu.org](mailto:RFP@washingtoneyu.org). Proposals must be received no later than the close of business on Wednesday, October 16th, 2013.

## 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, October 3, 2013, at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

## DRAFT AGENDA

- |   |                       |
|---|-----------------------|
| <b>1. Call to Order</b>                                 | Board Chairman        |
| <b>2. Roll Call</b>                                     | Board Secretary       |
| <b>3. Approval of September 5, 2013 Meeting Minutes</b> | Board Chairman        |
| <b>4. Committee Reports</b>                             | Committee Chairperson |
| <b>5. General Manager's Report</b>                      | General Manager       |
| <b>6. Action Items</b><br>Joint-Use<br>Non Joint-Use    | Board Chairman        |
| <b>7. Other Business</b>                                | Board Chairman        |
| <b>8. Adjournment</b>                                   | Board Chairman        |

**OFFICE ON WOMEN'S POLICY AND INITIATIVES**  
**DISTRICT OF COLUMBIA COMMISSION FOR WOMEN**

**NOTICE OF PUBLIC MEETING**

**Thursday, October 3, 2013**  
**6:45 PM to 8:45 PM**  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW,  
Room 301  
Washington, DC 20004

The District of Columbia Commission for Women will be holding its monthly meeting on Thursday, October 3, 2013 at 6:45 p.m. The meeting will be held at the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 301, Washington, DC 20004.

For additional information, please contact Terese Lowery, Executive Director at (202) 724-7690 or [women@dc.gov](mailto:women@dc.gov).

**DRAFT AGENDA**

- I. Call to Order**
- II. Presentation on Best Practices for Increasing Workforce Development Opportunities for Women**
- III. Post-presentation Discussion and Review of Position Paper on Employment Opportunities for District Women**
- IV. Discussion of Next Steps and Commission's Role in Improving Opportunities**
- V. Questions, Comments, Concerns**
- VI. Adjournment**

Please note that this is a draft agenda and subject to change.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Order No. 17837-B of Hillcrest Homes Associates LP, Motion for a Two-Year Extension of BZA Order No. 17837, pursuant to § 3130 of the Zoning Regulations.**

The original application was pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the maximum number of building stories under § 400, a variance from the lot area and width requirements under § 401, a variance from the rear yard requirements under § 404, a variance from the side yard requirements under § 405, a special exception to permit two or more principal buildings or structures on a single subdivided lot under § 2516, and a variance from the requirement of § 2516.5 that theoretical lots allowed pursuant to § 2516 provide open space in front of the building entrances to construct a new residential development consisting of 54 one-family detached dwellings in the R-1-B District at premises north side of Southern Avenue, S.E., just west of Branch Avenue, S.E., (Parcels 208/4, 208/61, 208/64, 208/65, and 215/27).

|  |                    |
|--|--------------------|
| <b>HEARING DATE (Orig. Application):</b>       | November 18, 2008  |
| <b>DECISION DATE (Orig. Application):</b>      | November 18, 2008  |
| <b>ORDER ISSUANCE DATE (No. 17837):</b>        | June 23, 2009      |
| <b>DATE OF DECISION ON RECONSIDERATION:</b>    | July 28, 2009      |
| <b>ORDER ISSUANCE DATE ON RECONSIDERATION:</b> | November 20, 2009  |
| <b>D.C. COURT OF APPEALS DECISION:</b>         | August 25, 2011    |
| <b>DECISION DATE TO EXTEND ORDER:</b>          | September 17, 2013 |

**ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 17837**

The Underlying BZA Order

On November 17, 2008, the Board of Zoning Adjustment ("Board" or "BZA") granted approval of Hillcrest Homes LP ("Applicant") for a variance from the maximum number of building stories under § 400, a variance from the lot area and width requirements under § 401, a variance from the rear yard requirements under § 404, a variance from the side yard requirements under § 405, a special exception to permit two or more principal buildings or structures on a single subdivided lot under § 2516, and a variance from the requirement of § 2516.5 that theoretical lots allowed pursuant to § 2516 provide open space in front of the building entrances to construct a new residential development consisting of 54 one-family detached in the R-1-B District at premises north side of Southern Avenue, S.E., just west of Branch Avenue, S.E., (Parcels 208/4, 208/61, 208/64, 208/65, and 215/27). The Board issued its written order on June 23, 2009 ("Order").

A party-opponent to the new residential development filed a motion for reconsideration of the Order. The Board denied the motion by written order issued November 20, 2009.



**BZA APPLICATION NO. 17837-B****PAGE NO. 2**

Thereafter, opponents petitioned the District of Columbia Court of Appeals to review the Order. By decision published August 25, 2011, the Court of Appeals affirmed the Order.

Pursuant to § 3130.1 of the Zoning Regulations, an order of the Board is valid for a period of two years from the date it was issued. When a petition for review of the order is filed with the D.C. Court of Appeals, the two-year time period commences to run from the decision date of the court's final determination of the appeal. (11 DCMR § 3130.5.) Accordingly, the two-year time period for the Order began to run on August 25, 2011, and was scheduled to expire on August 25, 2013. Pursuant to § 3130.9, the Applicant's request for a time extension tolled the expiration date of the Order for the sole purpose of allowing the Board to consider the request.

Motion to Extend Validity of Order

On July 25, 2013, the Applicant submitted to the Board a request to extend the validity of the Order for two years, pursuant to § 3130.6 of the Zoning Regulations. (Exhibit 68.) The Applicant served its extension request on the parties to the case, including the affected Advisory Neighborhood Commission ("ANC") 7B, and provided them the requisite 30 days in which to respond, pursuant to § 3130.6. The Applicant also served the request on the Office of Planning ("OP").

ANC 7B did not submit a report or otherwise respond to the extension request. OP filed a report recommending that the Board grant the Applicant's request based on the evidence provided by the Applicant, including the sworn affidavit of its Senior Vice President and Project Executive. OP's report indicated that the Applicant's attempts to finance the project were fruitless and that the challenging conditions were beyond the Applicant's reasonable control. (Exhibit 69.)

Through its affidavit, the Applicant stated that since the time of the Court's decision on August 25, 2011, it actively sought to develop the project and analyzed different options for proceeding. However, the lingering effects of the global recession rendered those efforts unsuccessful. The Applicant stated that lenders have been unwilling to finance the project due to the fragile state of the real estate market in Ward 7 of the District. Wards 1, 2, 3, and 6 have had strong recoveries due to a stable office and retail base, employment opportunities, public schools, university and institutions, and multi-modal transportation options, all of which have helped support the residential real estate market. The Applicant stated that, even though Ward 7 has attractive residential communities, its recovery has lagged without all of these other elements to help support it. Westfield, one of the Applicant's principal investors over the last 17 years, could not provide the equity required for the project. The Applicant stated that it had also marketed the project to other investors and developers, but minimal responses were received, which further demonstrated that weak market. Financing and investment difficulties have further been exacerbated by the high development costs associated with this particular development, according to the Applicant. As the Board noted in its Order, the site has extremely steep topography that adds significant costs to the project. (Exhibit 68, Tab B.)

**BZA APPLICATION NO. 17837-B****PAGE NO. 3**

On September 17, 2013, the Board convened a public meeting to consider the Applicant's request to extend the validity of the Order for two years. The Board concluded that the Applicant had met its burden of proof and granted the extension request.

Subsection 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may extend 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
  - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Board found that the Applicant met the criteria set for in § 3130.6. The motion for a time extension was served on all the parties to the applicant and those parties were given 30 days in which to respond, as required under paragraph (a). The Applicant's inability to secure the necessary financing and the poor economic conditions, particularly in the Ward 7 sub-market, during the period in question constitute "good cause" for the extension under paragraph (c)(1). As noted by the Applicant in its request, there have been no substantial changes in any of the material facts upon which the Board based its original approval. (11 DCMR § 3130.6(b).)

**BZA APPLICATION NO. 17837-B****PAGE NO. 4**

Neither the ANC nor any party to the extension request objected to an extension of the Order. The Board concluded that the extension of the Order is appropriate under the circumstances and criteria set forth above.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirements of 11 DCMR § 3125.3, which required 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. 17837-B for a two-year time extension of Order No. 17837, which Order shall be valid until **August 25, 2015**, within which time the Applicant must file plans for the proposed development with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

**VOTE:** 4-0-1 (Lloyd J. Jordan, Michael G. Turnbull, S. Kathryn Allen, and Jeffrey L. Hinkle to approve; the third mayoral appointee vacant).

**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:** September 20, 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. 18496 of Mid-Cities LLC**, pursuant to 11 DCMR § 3104.1, for a special exception for the continued operation<sup>1</sup> of an accessory parking lot under section 214, in the R-1-B District at premises 4434 Connecticut Avenue, N.W. (Square 1971, Lots 831 and 832).

**HEARING DATE:** February 5, 2013

**DECISION DATE:** February 5, 2013

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3F, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 3F, which is automatically a party to this application. ANC 3F submitted a timely letter and Form 129 in conditioned support of the application. The ANC letter indicated that at a duly noticed, regularly scheduled public meeting held on January 14, 2013 of ANC 3F with a quorum of commissioners present, the ANC voted unanimously (7:0) to support the application, subject to a five year term and a number of conditions. The ANC also indicated that it objected to a permanent re-approval of the special exception, as requested by the Applicant.<sup>2</sup> (Exhibits 21

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<sup>1</sup> The land at the rear of 4434 Connecticut Avenue, N.W. has been used for accessory parking for the building on the property since the 1930s. Prior to 1958, no Board approval was required. The first Board of Zoning Adjustment approval for the accessory parking lot was granted in 1963. The most recent approval for this use was in Order No. 16061, dated August 8, 1995. That approval expired in 2002. (Exhibit 20.)

<sup>2</sup> The conditions proposed by both the ANC and the Office of Planning ("OP") were similar but for the duration of the term period. As OP indicated in its report, most of the proposed conditions were carried forward from the prior Board orders approving the use. (Exhibit 25.) The Applicant, in its prehearing statement, noted that the ANC had requested some conditions that were not included in the application, including a term of five years, a permanent bicycle rack, increased landscaping, replacement of the impervious surface with a pervious surface, and a request for two car-sharing spaces. The Applicant had requested permanent approval of the accessory parking lot and proposed seven conditions, four of which addressed the new requests by the ANC, including replacing the existing impervious surface with a pervious surface by 2020. (Exhibit 20.) To coincide with the Applicant's stated timetable for completion of the replacement of the impervious surface with a pervious surface, OP (as well as DDOT) had recommended a seven year term. (Exhibit 25.) Thus, in its deliberations, the Board had to choose among the ANC's proposal of a five year term, OP's recommendation of a seven year term, and the Applicant's request for permanent approval, subject to the proposed conditions. After due consideration of each of these positions and the reasons provided by the parties, the Board imposed a seven year term on this approval,

BZA APPLICATION NO. 18496

PAGE NO. 2

and 22.) The ANC was present and testified at the public hearing.

The Office of Planning ("OP") submitted a timely report in support of the application, with conditions including a recommendation for a seven year term. (Exhibit 25.) The District Department of Transportation ("DDOT") submitted a report recommending "no objection with conditions."<sup>3</sup> (Exhibit 24.)

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 pursuant to § 3104.1 for a special exception under § 214. 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 ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 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 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 the application is hereby **GRANTED, SUBJECT TO THE PLANS AT EXHIBIT 20**, and the **FOLLOWING CONDITIONS**:

1. Approval shall be for a period of seven years from the effective date of this order.
2. Fourteen parking spaces shall be provided on the site in accordance with the annotated plat of the site in Exhibit C of the Prehearing Statement of the Applicant dated January 22, 2013, and marked as Exhibit 20 in the record.
3. The hours of operation shall be from 8:00 a.m. to 9:00 p.m.
4. All areas devoted to driveways, access lanes, and parking areas shall be properly maintained. The existing impervious surface shall be replaced with a pervious surface that is acceptable to the District Department of Transportation, by 2020.
5. Bumper stops shall be maintained.

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citing the coincidence of the timing for replacement of the impervious surface with the next renewal for the parking lot in 2020.

<sup>3</sup> DDOT's recommendations for conditions, including one for a seven year term period, were contained within OP's proposed conditions.

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6. All parts of the lot shall be kept free of refuse or debris.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. The Applicant shall install a permanent bicycle storage rack for at least four bicycles, as shown on Exhibit F of the Prehearing Statement of the Applicant, marked as Exhibit 20 in the record.
9. The Applicant shall provide landscaping, including the use of planter boxes, which shall be provided on site (totaling five percent of the surface parking area) per the plan as shown in Exhibit F of the Prehearing Statement of the Applicant, marked as Exhibit 20 in the record. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
10. The site includes an existing one-story garage of masonry construction. No other use shall be conducted from or upon the premises nor shall anything be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
11. No vehicular entrances or exists shall be within 40 feet of a street intersection as measured from the intersection of the curb lines extended.
12. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

**VOTE:**       **4-0-1** (Lloyd L. Jordan, Anthony J. Hood, Nicole C. Sorg, and Jeffrey L. Hinkle, to Approve; the third Mayoral appointee vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 7, 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

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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. 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. 18541 of Lubertha Payne**, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (11 children and 2 staff) under section 205, in the R-3 District at premises 620 Southern Avenue, S.E. (Square 6250, Lot 11).

**HEARING DATES:** April 23, 2013, May 21, 2013, and September 10, 2013  
**DECISION DATE:** September 10, 2013

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 8D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8D, which is automatically a party to this application. ANC 8D did not participate in this application. The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 34.) The District Department of Transportation submitted a report expressing no objection to the Application. (Exhibit 28.)

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 special exception relief under § 205. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted, 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 conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the approved plans, as shown on Exhibit 33, and the following **CONDITIONS**:

1. Approval shall be for a period of **SEVEN (7) YEARS** beginning on the final date of the order.



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- 2. The hours of operation shall be from 6:30 a.m. to 5:00 p.m.
- 3. The number of enrolled children shall not exceed 11.
- 4. The number of staff shall not exceed two (2).

**VOTE: 4-0-1** (Lloyd J. Jordan, Peter G. May, S. Kathryn Allen, and Jeffrey L. Hinkle to Approve; one Board seat vacant.)

**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:** September 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.

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. 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

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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. 18604 of Halcyon Georgetown LLC**, pursuant to 11 DCMR § 3104.1, for a special exception to establish a non-profit organization under § 217, in the R-3 District at premises 3400 – 3410 Prospect Street, N.W. (Square 1204, Lot 63).

**HEARING DATE:** September 10, 2013

**DECISION DATE:** September 10, 2013

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E initially submitted a report expressing concerns about the application. (Exhibit 26.) However, after further discussions with the Applicant, the ANC withdrew its initial objection and expressed conditional support for the application. (Exhibit 30.)

The Office of Planning (“OP”) submitted a report recommending approval of the application with conditions. (Exhibit 29.)

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 special exception relief under § 217. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 217, that the requested relief can be granted, 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 conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the

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following **CONDITIONS:**

1. Approval shall be for a period of **FIVE (5) YEARS** from the final date of the order.
2. The Property shall be used only for a 501(c)(3) nonprofit organization focused on the fields of fine arts, cultural understanding, global resilience (including the fields of science, technology, business, innovation and emergency response), and medical or pharmaceutical research.
3. A maximum of twelve (12) nonprofit employees may work on-site.
4. The hours of operation shall be as follows:
  - a. **Non-profit offices:**  
 Monday through Friday, 7:00 a.m. to 8:00 p.m., with hours extended daily and on the weekends as required for the non-profit’s use.
  - b. **Events at the S&R Foundation:**  
 Monday through Thursday, 10:00 a.m. to 4:00 p.m.; 7:00 p.m. to 10:00 p.m.  
 Friday and Sunday, 10:00 a.m. to 11:00 p.m.  
 Saturday, 9:00 a.m. to 11:00 p.m.
  - c. **International Institute for Global Resilience (IIGR) Research Program:**  
 Up to twelve (12) weeks annually between June 1 and August 31
  - d. **Incubator:**  
 Up to nine months annually between September 1 and May 31
5. The maximum number of events per year shall be as follows:

| Event Type   | Participants    | Maximum No. of Events |
|--|-----------------|-----------------------|
| International Institute for Global Resilience (educational events) | 1-20            | 24                    |
|  | 21-50           | 16                    |
| International Institute for Global Resilience Research Program     | 8               | 1                     |
| (cont.) Event Type   | Participants    | Maximum No. of Events |
| Illuminate (Incubator)   | 1-4 per project | 2-4 projects          |
| S&R Foundation Events  | 1-50            | 12                    |

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|   |         |           |
|---|---------|-----------|
| (including Illuminate Speaker Series, Illuminate conferences and seminars, other educational conferences, seminars, and events pursuant to the Foundation’s missions, and three civic/fundraising events) | 51-100  | 12        |
|   | 101-200 | 8         |
|   | 201-350 | 3         |
| <b>Total (excl. residency programs)</b>   |         | <b>75</b> |

6. The Applicant shall adhere to the following guidelines when scheduling an event with more than 200 guests:
  - a. The event shall be scheduled coincident with any period in which Georgetown University Academic Calendar reflects a holiday recess during the months of September to May, or during the months of June through August.
  - b. The event shall be scheduled on a Saturday or Sunday.
  - c. The events with more than 200 guests must end no later than 11:00 p.m. and no vendor loading or pick-up may occur after 10:00 p.m. or before 10:00 a.m.
  
7. The Applicant shall minimize traffic and noise impacts by employing the following measures:
  - a. The Applicant shall maintain an adequate supply of furnishings for events, such as tables and chairs, to preclude noisy unloading and loading of furnishings;
  - b. The Applicant shall create a turn-around in the rear parking area prior to holding the first event at the Property, but not before opening the nonprofit offices;
  - c. All guests shall be informed in advance of the parking policies and operations for events as follows:
    1. For events with forty (40) or fewer guests the Applicant’s staff or a valet company may park guests’ vehicles in the rear parking court;
    2. For any events with more than forty (40) guests but fewer than 150 guests, the guests shall be directed to utilize complementary valet parking with unloading and loading on Prospect Street, and the valet company shall utilize satellite parking lots, with priority given to satellite lots on the north side of M Street, NW and west of Wisconsin Avenue, NW;
    3. For events with more than 150 guests, the valet company shall provide shuttle van service from the satellite parking lot to the Property, with loading and unloading of the shuttle vans to occur at the Property along Prospect Street with valet assistance.
    4. The Applicant shall submit an application(s) to establish a valet parking zone in front of Halcyon House along Prospect Street for event days, as needed pursuant to these Conditions.

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5. Passenger vans used in connection with an event shall be no larger than approximately 20-feet in length.
- d. The Applicant shall inform all vendors of the parking policies and operations for events as follows:
1. Vendor unloading and loading may occur daily between the hours of 10:00 a.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.
  2. Noisy vendor breakdown and loading shall occur before 10:00 p.m. or shall take place on the following business day between the hours of 10:00 p.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.
  3. Vendors using vans under 20 feet in length shall be directed to utilize the rear parking court off of 34th Street, or the townhouse lot for loading and unloading purposes. Loading by vehicles over 20 feet in length shall not be permitted at the rear of the Subject Property and would only be permitted in designated areas along Prospect Street.
  4. For the three annual events with more than 200 people, vendors may utilize the rear parking court Monday through Sunday between the hours of 10:00 a.m. and 4:00 p.m., and 7:00 p.m. to 10:00 p.m.
  5. Trucks associated with noisy vendor breakdown and loading shall depart the Property before 10:00 p.m.
  6. Valets and other staff associated with events, including, cooks, caterers, and janitors, and the like, shall leave the Property within two hours after the event concludes but in any event, before 12:00 a.m.
  7. Vendors used in connection with an event shall be instructed that idling in the neighborhood is prohibited.
- e. The Applicant shall provide monitoring and oversight of the valet operations for an event of between 100 and 200 guests, and for an event of over 200 guests, including information regarding the number of guests, valet queues, capacity and usage of parking facilities utilized for the event, the total number of valet staff operating the valet stand (as needed), and number of cars parked by valet. A report shall be submitted annually with the DDOT Policy and Planning Staff to review parking and traffic issues, and the Applicant shall take appropriate corrective measures, as necessary.
- f. Employees shall park on-site in the rear parking court.
- g. The Applicant shall utilize satellite parking facilities north of M Street NW and west of Wisconsin Avenue, NW.
- h. Resident participants in the IIGR Research Program and Illuminate Incubator with cars shall be prohibited from parking on-site and shall provide evidence to the Foundation of parking in off-street locations.

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8. Attendees at IIGR events may reside on-site for the duration of the meeting and/or seminar.
9. Resident participants in the International Institute for Global Resilience Research Program shall be permitted to reside and research at the Property for periods up to twelve weeks during the months of June through August.
10. Resident participants in the Illuminate Incubator shall be permitted to reside and work at the Property for periods up to nine months during the months of September through May.
11. No amplified music shall be permitted on the outside grounds of the Subject Property.
12. The Applicant shall establish a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Halcyon House. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.

**VOTE: 4-0-1** (Lloyd J. Jordan, Peter G. May, S. Kathryn Allen, and Jeffrey L. Hinkle to Approve; one Board seat vacant.)

**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:** September 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.

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 § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, 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

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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. 18609 of Ronald Kaplan**, pursuant to 11 DCMR § 3103.2, for a variance from lot occupancy requirements under section 403, a variance from the side yard requirements under subsection 405.9, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow an addition to a one-family dwelling in the R-1-B District at premises 4916 Belt Road, N.W. (Square 1757, Lot 27).

**HEARING DATE:** September 17, 2013

**DECISION DATE:** September 17, 2013

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report in support of the application. The Department of Transportation submitted a report of no objection to the application.

**Variance**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from §§ 403, 405.9 and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a variance from §§ 403, 405.9, and 2001.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions

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of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) is hereby **GRANTED**.

**VOTE: 4-0-1** Lloyd J. Jordan, S. Kathryn Allen, Michael G. Turnbull and Jeffrey L. Hinkle to APPROVE. The third mayoral seat vacant.

**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:** September 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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18627 of Roccie A. Soscia and John R. Touchton**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a deck addition to an existing detached dwelling under section 223, not meeting the side yard (section 405) requirements in the R-1-B District at premises 728 Whittier Street, N.W. (Square 3165, Lot 813).

**DECISION DATE:** September 17, 2013 (Expedited Calendar)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR'S OFFICE**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 4B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. ANC 4B did not participate in the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

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 special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, 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

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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 conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

**VOTE: 4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Michael G. Turnbull and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

**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:** September 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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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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. 18634 of Mary Ellen Curtain**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403) court (section 406) and nonconforming structure (subsection 2001.3) requirements in the R-3 District at premises 4911 4th Street, N.W. (Square 3303, Lot 40).

**DECISION DATE:** September 17, 2013 (Expedited Calendar)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D did not participate in the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

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 special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, 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

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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 conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 12 – Plans) be **GRANTED**.

**VOTE:**           **4-0-1**           (Lloyd J. Jordan, S. Kathryn Allen, Michael G. Turnbull and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

**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:** September 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. 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.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT  
441 4<sup>TH</sup> STREET, N.W.  
SUITE 200-SOUTH  
WASHINGTON, D.C. 20001**

**PUBLIC NOTICE OF CLOSED MEETING**

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on 09/17/13, the Board of Zoning Adjustment voted 4-0-1 to hold a closed meeting. In accordance with § 407 of the Open Meetings Amendment Act of 2010, the Board of Zoning Adjustment voted to hold a closed meeting on October 1, 2013, from 9:00 a.m. until 12:00 p.m., for the purpose of conducting internal training, pursuant to § 405(b)(12) of the Open Meetings Amendment Act of 2010.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, 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.**

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